

***United States Court of Appeals  
for the Second Circuit***



**APPENDIX**





ORIGINAL

77-1147

United States Court of Appeals  
For the Second Circuit

UNITED STATES OF AMERICA,

*Appellee,*

-against-

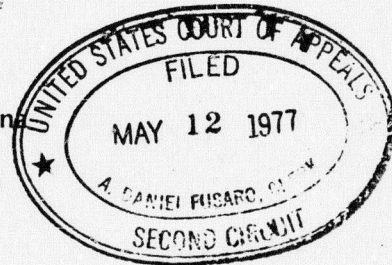
NICHOLAS BOTTA and LAWRENCE MESSINA,

*Appellants.*

APPELLANTS' APPENDIX

MARVYN M. KORNBERG  
Attorney for Appellant Botta  
125-10 Queens Boulevard  
Kew Gardens, N.Y. 11415  
(212) 261-4400

RONALD RUBINSTEIN  
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PAGINATION AS IN ORIGINAL COPY

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3/23

|                                         |                                      |                                   |                                  |
|-----------------------------------------|--------------------------------------|-----------------------------------|----------------------------------|
| U.S. MAR. COURT<br>CASE NO.             |                                      | FILE NO.                          |                                  |
| ARRESTED BY                             |                                      | ARRESTED AT                       |                                  |
| <input type="checkbox"/> Detained       | <input type="checkbox"/> Arr. Fee    | <input type="checkbox"/> Fugitive | <input type="checkbox"/> Pending |
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| SENTENCE                                |                                      |                                   |                                  |
| 2-7-77                                  |                                      | 3-14-77                           |                                  |

U.S. Attorney or Asst.  
Michael D. Abzug  
791-1162  
300  
ATTORNEYS  
Marvin M. Kornberg  
125-10 Queens Blvd.  
11021 Kew Gardens, N.Y.  
- 11021  
\* Show last names and suffix numbers of other defendants on

| DATE     | DOCUMENT NO. | PROCEEDINGS | REMARKS                                                                                                                                                                                                                |
|----------|--------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11-22-76 |              |             | Filed Indictment & Ordered sealed until further Order of the Court. B/W Ordered. Bail fixed at \$10,000 secured by 10% cash. Ordered F/P.....Cannella, J. B/W Issued.                                                  |
| 11-23-76 |              |             | Indictment Ordered unsealed.....Cannella, J.                                                                                                                                                                           |
| 11-26-76 |              |             | Filed the following papers received from Magistrate:<br>Docket entry sheet, Warrant of Arrest, Disposition sheet, Appearance Bond, \$1,000 surety bond with Midland Ins. Co. Notice of Appearance, Copy of Indictment. |
| 11-24-76 |              |             | Filed affidavit & Order that indictment 76 Cr. 1074 be unsealed.<br>.....Cannella, J.                                                                                                                                  |
| 12-2-76  |              |             | Deft. (atty. Marvin Kornberg) pleads not guilty. Bail \$10,000 PRB secured by \$1,000 cash, continued. Case assigned to Weinfeld, J. for all purposes.....Motley, J.                                                   |
| 12-3-76  |              |             | Filed Govts . notice of readiness for trial.                                                                                                                                                                           |



| DATE     | DOCUMENT NO.                                                                                                                                                                                                                                                                                                                                                                                        | EXCLUDABLE DELAY PER 18 USC § 3161(b) |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| 7-76     | Filed notice of appearance of Marvyn M. Kornberg, as atty. for deft.                                                                                                                                                                                                                                                                                                                                |                                       |
| 10-76    | Filed defts. affdvt. and order to show cause for an order granting defts. a hearing and suppressing all conversations Ret. 12-14-76....WEINFELD, J.                                                                                                                                                                                                                                                 |                                       |
| 11-76    | Case called- Trial date set for Monday 2-7-77 at 10 A.M. in RM 1506....WEinfeld, J.                                                                                                                                                                                                                                                                                                                 |                                       |
| 12-20-76 | Hearing on defts motion to suppress begun and continued before Weinfeld, J. Hearing concluded - court finds Govt. has made satisfactory explanation for filing & sealing provisions - According motion to suppress made by all defts. is denied....WEINFELD, J.                                                                                                                                     |                                       |
| 12-22-76 | Filed memorandum of law in behalf of all deft's in support of the application to controvert the orders authorizing interception of oral communications                                                                                                                                                                                                                                              |                                       |
| 12-22-76 | Filed Govt's memorandum of law                                                                                                                                                                                                                                                                                                                                                                      |                                       |
| 12-22-76 | Filed govt's affid in response to various pre-trial motions which the deft's in the above captioned case have made                                                                                                                                                                                                                                                                                  |                                       |
| 12-22-76 | Filed memo end on OSC filed 12-10-76 in so far as they seek to suppress the ei surveillance on the grounds that there was a delay in sealing the tapes the motion of deft's Botta & Messina is denied as per oral opinion this date....W infeld, J. M/N                                                                                                                                             |                                       |
| 12-22-76 | Filed OPINION # 45453 in re various pre-trial motions; Defg's Iannone & Albaharis motions for severance & to strike references to aliases are denied. Deft's Botta & Messina motions on behalf of themselves & all other deft's in re wiretapping are denied except to their claims relating to the sealing of the wiretap tapes to which an evidentiary hearing is required....Weinfeld, J. M/N    |                                       |
| 3-77     | Filed Superseding Indictment & referred to Weinfeld, J.                                                                                                                                                                                                                                                                                                                                             |                                       |
| 3-77     | .....Pierce, J.                                                                                                                                                                                                                                                                                                                                                                                     |                                       |
| 3-77     | Filed order, affid & application of Michael D. Abzug A.U.S.A. It is ordered that on 2-3-77, the aforesaid tape recordings shall be unsealed so that they may be used to ensure accuracy & authenticate duplicate tape recordings that the Govt intends to use at trial. Upon conclusion the original tape recordings shall be resealed & returned to the custody of the F.B.I. ....W infeld, J. M/N |                                       |
| 2-8-77   | Filed Transcript of record of proceedings, dated 12-14-76                                                                                                                                                                                                                                                                                                                                           |                                       |
| 2-8-77   | Filed Transcript of record of proceedings, dated 12-20-76                                                                                                                                                                                                                                                                                                                                           |                                       |

-CONTINUED-



BOTTA, NICHOLAS

76 1074

2

| DATE    | (Document No.) | PROCEEDINGS (continued)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Yr. | Docket No. | Def.                |
|---------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------------|---------------------|
|         |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |            | V. EXCLUDABLE DELAY |
|         |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | (a) | (b)        | (c) (d)             |
| 2-8-77  |                | Filed affid & order that on 2-4-77 the aforesaid original tape recordings shall be resealed & held in the custody of the FBI pursuant to the 6-24-75 order of Judge Palmieri & the 8-6-75 order of Judge Stewart... Pierce, J.                                                                                                                                                                                                                                                                                                                                                                                                |     |            |                     |
| 2-15-77 |                | Filed Govt's proposed examination of prospective jurors                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |     |            |                     |
| 2-15-77 |                | Filed Govt's request to charge                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |     |            |                     |
| 2-07-77 |                | Deft. appears (Atty present) and enters a plea of guilty to ct. one of this indictment and a n/g plea to ct. 2. P.S. report ordered. Sentence adj. to 02-24-77 at 2:15 PM in Rm 1506. Deft. continued on bail previously fixed in original indictment 76-1074 at \$10,000 PRB sec. by 10 % cash - Weinfield J                                                                                                                                                                                                                                                                                                                 |     |            |                     |
| 2-10-77 |                | Sentence adj. to 03-14-77 at 10 AM in Rm 705                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |     |            |                     |
| 3-14-77 |                | Govt oral application to NOLLE this indictment is GRANTED.....Weinfield J. (original)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |     |            |                     |
| 3-14-77 |                | Filed JUDGMENT & COMMITMENT Deft (atty present) The deft is hereby committed to the custody of the atty General or his authorized representative for imprisonment for a period of ONE (1) YEAR & ONE (1) DAY on count 1. Deft continued on bail pending appeal. Special condition being that the record on appeal & Appellant's Points be filed within THIRTY DAYS from this date. And that the U.S. Attorney file the REspondent's brief TEN DAYS thereafter. Count 2 is dismissed on motion of deft's counsel with the consent of the Govt. ...Weinfield, J. ...Ent 3-15-77... Copies issued                                |     |            |                     |
|         |                | ERROR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |     |            |                     |
| 14-77   |                | Filed JUDGMENT & COMMITMENT Deft (atty present) The deft is hereby committed to the custody of the Atty General or his authorized representative for imprisonment for a period of ONE (1) YEAR & ONE (1) DAY on count 1. Deft continued on bail pending appeal. Special condition being that the record on Appeal & the appendix on Appeal & Appellant's Points be filed within thirty (30) DAYS from this date. And the U.S. Atty file the REspondent's brief TEN DAYS (10) thereafter. Count 2 is dismissed on motion of deft's counsel with the consent of the Governamnt....Weinfield, J.... Ent 3-15-77... Issued copies |     |            |                     |
| 3-14-77 |                | Filed notice of appeal from judgment entered 3-14-77 (Copy to US Atty & Deft's atty)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |            |                     |
| 4-1-77  |                | Filed transcript of record of proceedings dated 1/26/77                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |     |            |                     |
| 4-1-77  |                | Filed transcript of record of proceedings dated 3/14/77                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |     |            |                     |



CRIMINAL DOCKET - U.S. District Court

D

OFFENSE NO. 1 JUDGE/MAGISTRATE Assigned U.S. 0208 1 0802 vs. MESSINA, LAWRENCE

OR No. 11 District Office

(LAST, FIRST, MIDDLE)

Case Filed Mo. Day

11 22

76

1074

04

No. of Def. 11

U.S. TITLE/SECTION

18:371  
18:1955

OFFENSES CHARGED

Consp. to conduct illegal gambling business  
Conducting illegal gambling business

ORIGINAL COUNTS

1  
2

Consp. to conduct illegal gambling business  
Conducting illegal gambling business

1  
2

3/23

II. KEY DATES & INTERVALS

SUPERSEDING COUNTS

ARREST or

INDICTMENT X

ARRAIGNMENT

TRIAL

U.S. Custody Began

High Risk Date

Information

11-22-76

12-2-76

Trial Set For

Var. Plea

Summons Served

Indict. Waived

Superseding

X Indict/Info

1-31-77

12-2-76

2-7-77

First Appearance

In Charging District

Search Warrant

Issued

Return

DATE

INITIAL/NO.

MAGISTRATE

INITIAL NO.

OUTCOME

Summons

Issued

Served

INITIAL APPEARANCE DATE

PRELIMINARY EXAMINATION OR

REMOVAL HEARING

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U.S. Attorney or Asst.

Michael D. Abzug  
791-1162

ATTORNEYS

RONALD RUBINSTEIN,  
125-10 Queens Blvd.  
Kew Gardens, N.Y. 11021

\* Show last names and suffix numbers of other defendants on same indictment information: Esposito-01, Rizzo-02, Botta-03, Yarmosh-05  
Iannone-06, Albahari-07, Falco-08, Renna-09, Steinberg-10, Maggio-11

DATE

(DOCUMENT NO.)

PROCEEDINGS

EXCLUDABLE DELAY

11-22-76

Filed Indictment & Ordered sealed until further Order of the Court. B/W Ordered. Bail fixed at \$10,000 secured by 10% cash. Ordered F/P.....Cannella, J. B/W Issued.

11-23-76

Indictment Ordered unsealed.....Cannella, J.

11-26-76

Filed the following papers received from Magistrate:  
Docket entry sheet, Warrant of Arrest, Disposition sheet, Appearance Bond, \$1,000 surety with Midland Ins. Co. Notice of Appearance.

11-24-76

Filed affidavit & Order that indictment 76 Cr. 1074 be unsealed.  
.....Cannella, J.

12-2-76

Def. (atty. Ronald Rubenstein present) pleads not guilty. Bail \$10,000 PRB secured by \$1,000 surety bond continued. Case assigned to Weinfeld, J. for all purposes.....Molley, J.

12-3-76

Filed Govts. notice of readiness for trial.

6







| DATE    | PROCEEDINGS (continued)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | V. EXCLUDABLE DELAY |     |     |     |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----|-----|-----|
|         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | (a)                 | (b) | (c) | (d) |
| 2-8-77  | (Document No.)<br>Fld affid & order that on 2-4-77 the aforesaid original tape recordings shall be resealed & held in the custody of the FBI pursuant to the 6-24-75 order of Judge Palmieri & the 8-6-75 order of Judge Stewart.....Pierce, J. M/N                                                                                                                                                                                                                                                                                                                                                                             |                     |     |     |     |
| 2-15-77 | Filed Govt's proposed examination of prospective jurors                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                     |     |     |     |
| 2-15-77 | Filed Govt's request to charge.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |     |     |     |
| 2-07-77 | Deft. appears (Atty Ronald Rubenstein present) and deft enters a plea of guilty to count 1 and a plea of n/g to ct 2. P S report ordered. Sentence adj to 02-24-77 at 2:15 PM in Rm 7506. Deft continued on bail previously fixed in original indictment 76-1074 at \$10 000. PRB sec. by 10% cash- Weinfeld J                                                                                                                                                                                                                                                                                                                  |                     |     |     |     |
| 2-10-77 | Sentence adj. to 03-14-77 at 10 AM in Rm 705                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                     |     |     |     |
| 2-14-77 | Govt oral application to NOLLE this indictment is G <sup>nt</sup> anted..Weinfeld, J. (original)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |     |     |     |
| 2-14-77 | Filed JUDGMENT & COMMITMENT Deft ( atty present) The deft is hereby committed to the custody of the Atty General or his authorized representative for imprisonment for a period of ONE (1) YEAR & ONE (1) DAY on count 1. Deft continued onbail pending APPEAL Special condition being that therecord on Appeal & the Appendix on Appeal & Appelants Points be filed within thirty (30 ) Days from this date. And that the U.S. Atty file the respondent's brief TEN (10 ) days thereafter. Count 2 is dismissed on motion of deft's counsel with the consent of the Government....WEinfeld, J. ...Ent 3-15-77<br>Copies issued |                     |     |     |     |
| 3-23-77 | Filed notice of appeal from judgment ent on 3-14-77<br>(copy to U.S. Atty & deft's atty)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                     |     |     |     |
| 4-1-77  | Filed transcript of record of proceedings dated <u>4/26/77</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                     |     |     |     |
| 4-1-77  | Filed transcript of record of proceedings dated <u>3/14/77</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                     |     |     |     |



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X  
IN THE MATTER OF THE APPLICATION :  
OF THE UNITED STATES FOR AN ORDER : NO. ML9-97( )  
AUTHORIZING THE INTERCEPTION OF :  
WIRE COMMUNICATIONS :  
- - - - - X

ORDER

AUTHORIZING INTERCEPTION OF ORAL COMMUNICATIONS

To: Special Agents of the Federal Bureau of Investigation,  
United States Department of Justice

Application under oath having been made before me by  
MICHAEL D. ABZUG, an Attorney with the Organized Crime and Racketeer-  
ing Section of the United States Department of Justice, and an  
"investigation of law enforcement officer" as defined in Section  
2510(7) of Title 18, United States Code, for an order authorizing  
the interception of wire communications pursuant to Section 2510  
of Title 18, United States Code, and full consideration having been  
given to the matters set forth therein, the Court finds:

(a) there is probable cause to believe that RICHARD  
ESPOSITO, ARTHUR SONNENSCHN (a/k/a, "SUNSHINE"),  
ALEX NICHAS, (a/k/a, "ALEX THE GREEK"), DANNY KRAMER,  
RITCHIE (LNU), and others as yet unknown, have  
committed and are committing offenses involving  
wire communications to conduct an illegal gambling  
business in violation of Article 225 of the New

York State Penal Law, involving five or more persons, and that has been and remains in substantially continuous operation for a period in excess of thirty (30) days, thereby being in violation of Title 18, United States Code, Section 1955, and a conspiracy to commit such offenses in violation of Title 18, United States Code, Section 371.

(b) there is probable cause to believe that particular wire communications of DANNY KRAMER, ARTHUR SONNENSCHNEIN (a/k/a "SUNSHINE"), RITCHIE (LNU), and others as yet unknown concerning these offenses will be obtained through the interception, authorization for which is herewith applied for. In particular, these wire communications will reveal the identities and roles of all participants in the illegal gambling business, the amounts of monies owed to or by bettors and other participants in the gambling business, the distribution of contraband monies and records obtained by and used in the illegal gambling business, the methods of record-keeping and the meaning thereof, the methods of operation used by participants in the gambling business and the full nature and scope of the conspiracy involved therein. In addition, the communications are expected to constitute admissible evidence of the offenses.



(c) normal investigative procedures either have been tried and have failed or reasonably appear unlikely to succeed if continued, or reasonably appear unlikely to succeed if tried.

(d) there is probable cause to believe that the telephones located at 2433 Second Avenue, New York, New York, subscribed to Jose Ramon Perez, and bearing the telephone number (212) 860-0702 and (212) 860-0704, have been and are being and will continue to be used by DANNY KRAMER, RITCHIE (LNU), ARTHUR SONNENSCHNEN, and others as yet unknown in the commission of the above-described offenses.

WHEREFORE, it is hereby ordered that Special Agents of the Federal Bureau of Investigation, United States Department of Justice, are authorized, pursuant to application authorized by the Attorney General of the United States, the Honorable Edward H. Levi, to exercise the power conferred on him by Section 2516 of Title 18, United States Code: to intercept wire communications of DANNY KRAMER, RITCHIE (LNU), ARTHUR SONNENSCHNEN (a/k/a "SUNSHINE"), and others as yet unknown concerning the above-described offenses subscribed to by Jose Ramon Perez, 2433 Second Avenue, New York, New York, and bearing the telephone numbers (212) 860-0702 and (212) 860-0704. Such interception shall not automatically terminate when the type of communication described above in paragraph (b) has first been obtained but shall continue until communications are intercepted which reveal the manner in which RICHARD ESPOSITO,



ARTHUR SONNENSCHNEIN (a/k/a, "SUNSHINE"), ALEX NICHAS (a/k/a "ALEX THE GREEK"), DANNY KRAMER, RITCHIE (LNU), and others as yet unknown participate in the illegal gambling business, the identities and roles of their confederates and their associates in the illegal gambling business, and the places and locations used in furtherance of the gambling business, the amounts of monies wagered, the amounts of monies owed to or by bettors and other participants in the gambling business, the distribution of contraband monies and records obtained by and used in the illegal gambling business, the methods of record-keeping and the meaning thereof, the methods of operation used by the participants in the gambling business and the full nature and scope of the conspiracy involved therein, or for a period of twenty (20) days from the date of this order, whichever is earlier.

IT IS FURTHER ORDERED that the New York Telephone Company, a communication carrier as defined in Section 2510(10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the service that such carrier is according the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the New York Telephone Company to be compensated for the applicant at the prevailing rates.



PROVIDING THAT, this authorization to intercept wire communications shall be executed as soon as practical after signing of this Order and shall be conducted in such way as to minimize the interception of communications not otherwise subject to interception under Chapter 119 of Title 18, United States Code, and must terminate upon attainment of the authorized objective or, in any event, at the end of twenty (20) days from the date of this Order, whichever is earlier.

PROVIDING ALSO, that interception of wire communications at the above described premises shall occur only when it has been determined that either DANNY KRAMER, RITCHIE (INU) or ARTHUR SONNENSCHN (a/k/a, "SUNSHINE") is at the above-described premises.

PROVIDING FURTHER THAT, Michael D. Abzug shall provide the Court with a report on the 5th, 10th and 15th day following the date of this Order showing what progress has been made toward achievement of the authorized objective and the need for continuing interception.

June 11, 1975  
DATE

Edmund L. Palmieri  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
IN THE MATTER OF THE APPLICATION :  
OF THE UNITED STATES FOR AN ORDER : NO. 419-97( )  
AUTHORIZING THE INTERCEPTION OF :  
WIRE COMMUNICATIONS :  
----- x

APPLICATION

MICHAEL D. ABZUG, an Attorney of the United States  
Department of Justice, being duly sworn, states:

1. He is an "investigative or law enforcement officer  
--- of the United States" within the meaning of Section 2510(7)  
of Title 18, United States Code, that is -- an Attorney  
authorized by law to prosecute or participate in the prosecution  
of offenses enumerated in Section 2516 of Title 18, United States  
Code.

2. Pursuant to the power conferred on him by Section 2516  
of Title 18, United States Code, the Attorney General of the  
United States, the Honorable Edward H. Levi, has authorized this  
application for an order authorizing the interception of wire  
communications. Attached to this application as Exhibit A are  
the letter of notification of approval from the Criminal Division,  
and a copy of the Attorney General's memorandum of authorization.



3. This application seeks authorization to intercept wire communications of DANNY KRAMER, RITCHIE (LNU), ARTHUR SONNENSCHNEIN (a/k/a "SUNSHINE") and others as yet unknown concerning offenses enumerated in Section 2516 of Title 18, United States Code, that is -- the conduct and management of an illegal gambling business in violation of Article 225 of the New York State Penal Law, involving five or more persons, and that has been and remains in substantially continuous operation for a period in excess of thirty (30) days, thereby being in violation of Title 18, United States Code, Section 1955, and a conspiracy to commit such offenses in violation of Title 18, United States Code, Section 371, which have been committed and being committed by RICHARD ESPOSITO, ARTHUR SONNENSCHNEIN (a/k/a "SUNSHINE"), ALEX NICHAS, (a/k/a "ALEX THE GREEK"), DANNY KRAMER, RITCHIE (LNU), and others as yet unknown.

4. He has discussed all the circumstances of the above offenses with Special Agent William Bradbury of the New York Office of the Federal Bureau of Investigation, who had directed and conducted the investigation herein, and has examined the affidavit of Special Agent William Bradbury (attached to this application as Exhibit B and incorporated by reference herein) which alleges the facts therein in order to show that:

- (a) there is probable cause to believe that RICHARD ESPOSITO, ARTHUR SONNENSCHNEIN (a/k/a "SUNSHINE"), ALEX NICHAS, (a/k/a "ALEX THE GREEK"), DANNY KRAMER, RITCHIE (LNU), and others as yet unknown have



committed and are committing offenses involving wire communications to conduct an illegal gambling business in violation of Article 225 of the New York State Penal Law, involving five or more persons, and has been and remains in substantially continuous operation for a period in excess of thirty (30) days, thereby being in violation of Title 18, United States Code, Section 1955, and a conspiracy to commit such offenses in violation of Title 18, United States Code, Section 371.

(b) there is probable cause to believe that particular wire communications of ARTHUR SONNENSCHNEIN (a/k/a "SUNSHINE"), DANNY KRAMER, RITCHIE (LNU), and others as yet unknown concerning these offenses will be obtained through the interception, authorization for which is herewith applied for. In particular, these oral communications will reveal the identities and roles of all participants in the illegal gambling business, the amounts of monies wagered, the amounts



of monies owed to or by bettors and other participants in the gambling business, the distribution of contra-band monies and records obtained by and used in the illegal gambling business, methods of record-keeping and the meaning thereof, the methods of operation used by participants in the gambling business and the full nature and scope of the conspiracy involved therein. In addition, the communications are expected to constitute admissible evidence of the offenses.

(c) the attached affidavit contains a full and complete statement explaining why normal investigative procedures either have been tried and have failed or reasonably appear unlikely to succeed if tried.

(d) there is probable cause to believe that the telephones subscribed to by Jose Ramon Perez and located in the premises of 2433 Second Avenue, New York, New York, and bearing telephone numbers (212) 860-0702 and (212) 860-0704 has been and is being used and will continue to be used by DANNY KRAMER, ARTHUR SONNENSCHNEIN (a/k/a "SUNSHINE"), RITCHIE (LNU), and others as yet unknown in the

commission of the above-described offenses.

5. No previous applications are known to have been made to any Judge for authorization to intercept or for approval of interception of, wire communications involving any of the persons specified herein.

WHEREFORE, your affiant believes that probable cause exists to believe that the conduct and management of an illegal gambling business in violation of Article 225 of the New York State Penal Law, involving five or more persons, and that has been and remains in substantially continuous operation for a period in excess of thirty (30) days,

thereby being in violation of Title 18, United States Code, Section 1955, and a conspiracy to commit such offenses in violation of Title 18, United States Code, Section 371, have been committed and are being committed by RICHARD ESPOSITO, ARTHUR SONNENSCHN (a/k/a "SUNSHINE"), ALEX NICHAS, (a/k/a "ALEX THE GREEK"), DANNY KRAMER, RITCHIE (LNU), and others as yet unknown; that DANNY KRAMER, ARTHUR SONNENSCHN (a/k/a "SUNSHINE"), RITCHIE (LNU), and others as yet unknown, have used and are using the telephones subscribed to by Jose Ramon Perez which are located in the premises at 2433



Second Avenue, New York, New York, and which bear the telephone numbers (212) 860-0702 and (212) 860-0704, in connection with the commission of the above-described offenses; that communications of DANNY KRAMER, ARTHUR SONNENSCHNEIN (a/k/a "SUNSHINE"), RITCHIE (LNU), and others as yet unknown concerning these offenses will be intercepted at the above-described premises; and that normal investigative procedures appear unlikely to succeed.

On the basis of the allegations contained in this application, and on the basis of the affidavit of Special Agent William Bradbury, attached hereto, affiant requests this Court to issue an order, pursuant to the power conferred on it by Section 2518 of Title 18, United States Code, authorizing the Federal Bureau of Investigation of the United States Department of Justice to intercept wire communications emanating from the above-described premises until communications are intercepted which reveal the manner in which RICHARD ESPOSITO, ARTHUR SONNENSCHNEIN(a/k/a "SUNSHINE"), ALEX NICHAS, (a/k/a "ALEX THE GREEK"), DANNY KRAMER, RITCHIE (LNU), and others as yet unknown participate in the illegal gambling business, the identities and roles of their confederates and their associates in the illegal gambling business, and the places and locations used in furtherance of the gambling business, the amounts of monies wagered, the amounts of monies owed to or by bettors and other participants in the gambling business, the distribution of contraband monies and records obtained by and used in the illegal gambling business, the methods of record-keeping and the meaning thereof, the methods of operation used by the participants in the gambling business and the full nature and scope of the

conspiracy involved therein, or for a period of twenty (20) days from the date of this order, whichever is earlier.

It is further requested that this Court issue an order pursuant to the power conferred on it by Section 2518(4)(e) of Title 18, United States Code, directing that the New York Telephone Company, a communication common carrier as defined in Section 2510(10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier is according to the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the New York Telephone Company to be compensated for by the applicant at the prevailing rates.

Although the usual minimization procedures requiring the termination of any interceptions of conversations not involving these offenses will apply to interceptions from these premises, I propose that: interception of communications at the above-described premises shall occur only when it has been determined by surveillance that either DANNY KRAMER, RITCHIE (LNU), or ARTHUR SOMMERSCHEIN (a/k/a "SUNSHINE") have entered the building located at 2433 Second Avenue, New York, New York.

---

MICHAEL D. ABZUG

Subscribed and sworn to before me

this                      day of                      , 1975.





Address Reply to the  
Division Indicated  
and Refer to Initials and Number

## UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

June 9 1975

Mr. William I. Aronwald  
Attorney in Charge  
New York Strike Force  
New York, New York

Dear Mr. Aronwald:

This is to advise you that pursuant to the power conferred on him by Section 2516 of Title 18, United States Code, the Attorney General has authorized an application to be made to a Federal judge of competent jurisdiction for an order under Section 2518 of Title 18, United States Code, authorizing the interception of wire communications for a twenty (20) day period to and from the telephones bearing numbers 212-860-0702 and 212-860-0704, both of which are located at 2433 Second Avenue, New York, New York, in connection with the investigation into possible violations of Title 18, United States Code, Sections 1955 and 371, by Richard Esposito, Arthur Sonnenschein, Alex Nichas, Danny Kramer, Ritchie (last name unknown), and others as yet unknown. A copy of the Attorney General's memorandum of authorization is attached hereto.

Accordingly, you or any other attorney on your staff who is an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, are authorized to make the above-described application.

In supervising the interception under this authorization, care should be exercised to avoid intercepting any communication of a person under indictment or awaiting sentencing which pertains to his culpability

- 2 -

in relation to the crimes charged or the strategy which he contemplates employing in his defense. If such a communication is inadvertently overheard, a notation of the incident should be made in the intercept log and an immediate report made to you in your capacity as supervising attorney. With regard to the above, it should be noted that Arthur Sonnenschein and Alex Nichas are awaiting sentencing for state gambling violations.

Sincerely,

JOHN C. KEENEY  
Acting Assistant Attorney General  
Criminal Division

By: *Edward T. Jeeje*

Deputy Chief, Organized Crime  
and Racketeering Section  
Criminal Division

Enclosure



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN THE MATTER OF THE APPLICATION :  
OF THE UNITED STATES FOR AN ORDER :  
AUTHORIZING THE INTERCEPTION OF :  
WIRE COMMUNICATIONS :

AFFIDAVIT

NO. M19-97(3)

filed 6-11-75  
by Palmer

-----X  
STATE OF NEW YORK )  
COUNTY OF NEW YORK : ss.:  
SOUTHERN DISTRICT OF NEW YORK)

William Bradbury, Jr., Special Agent, Federal Bureau  
of Investigation, New York, being duly sworn states:

1. I am an "investigative or law enforcement  
officer ..." of the United States within the meaning of Section  
2510(7) of Title 18, United States Code, that is, an officer  
of the United States who is empowered by law to conduct investi-  
gations of and to make arrests for offenses enumerated in  
Section 2516 of Title 18, United States Code.

2. I make this affidavit in support of an application  
which seeks authorization to intercept wire communications  
concerning offenses involving violations of Section 1955 of  
Title 18, United States Code, and as conspiracy to violate the  
said statute in violation of Section 371 of Title 18, United  
States Code, which have been and are being committed by RICHARD  
ESPOSITO, ARTHUR SONNENSCHN (a/k/a, "SUNSHINE"), ALEX NICHAS  
(a/k/a, "ALEX THE GREEK"), DANNY KRAMER, RITCHIE (LNU), and  
other persons associated with them whose identities are as yet

unknown.

3. I have supervised the conduct of the investigation of these offenses for approximately three months, and as a result of my personal participation in that investigation and of reports made to me by Special Agents of the Federal Bureau of Investigation under my direction, I am familiar with all the circumstances of the offenses. On the basis of that familiarity, I allege the facts contained in the numbered paragraphs below to show that:

a) There is probable cause for the belief that RICHARD ESPOSITO, ARTHUR SONNENSCHIEIN (a/k/a, "SUNSHINE"), ALEX NICHAS (a/k/a, "ALEX THE GREEK"), DANNY KRAMER, RITCHIE (LNU), and others as yet unknown, have committed and conspired to commit, are committing and conspiring to commit, and will commit and conspire to commit offenses involving the conducting, financing, managing, supervising, directing, or owning of all or part of an illegal gambling business in which five or more persons are participating and which have been in substantially continuous operation for over thirty (30) days thereby being in violation of Article 225, Sections 225.0 through 225.4 of the New York State Revised Penal Law, and also in violation of Sections 1955 and 371 of Title 18, United States Code.

b) There is probable cause for the belief that particular communications concerning these offenses will be obtained through



the interception of wire communications to and from the telephone lines numbered (212) 860-0702 and (212) 860-0704 and subscribed to by Jose Ramon Perez, 2433 Second Avenue, New York, New York.

c) There is probable cause for the belief that the telephone lines numbered (212) 860-0702 and (212) 860-0704 have been used, are being used and will be used by DANNY KRAMER, ARTHUR SONNENSCHNEIN and RITCHIE (LNU), and others as yet unknown in connection with the commission of the above-described offenses.

d) Normal investigative procedures have been tried and reasonably appear unlikely to succeed if tried further.

e) No previous applications are known to have been made to any judge for authorization to intercept or for approval of interception of wire or oral communications involving any of the persons, facilities or places specified herein.

#### FACTS SHOWING A PROBABLE CAUSE

4. As a result of four and one-half years of service with the Federal Bureau of Investigation, during which I have participated in approximately thirty investigations of federal gambling offenses, I know that a bookmaking operation, such as the one which forms the basis for the instant application, customarily operates in the following manner:

a. Bookmaking operations usually utilize telephones for the purpose of conveying gambling information such as wagers from bettors to bookmakers. Telephones are also customarily

used by bookmakers for the purpose of receiving "line information" from the "service men" in the gambling operation's "wire room" and furnishing "line information" to bettors. "Line information" is the "point spread" or "odds" in the athletic contest. This information is necessary to stimulate betting activity to enable the bookmaker to operate his business with the greatest chance of profit.

b. In order to balance his books, the bookmaker attempts to reinsure himself by "laying off" bets on a favorite in excess of those placed on the remainder of the participants in a contest, that is, betting them again with another bookmaker who is willing to accept the additional "action". The bets thus reinsured are known as "lay offs" or "lay off bets."

c. The wireroom of a gambling operation is a location where "the action" is received from bettors over the telephone. Also the "action" or wagers are tallied and records kept during hours of operation.

d. A clerk is a person who answers telephones in the wireroom and tallies the action.

e. A runner directs bettors into the gambling operation and meets with bettors once a week to make payments and collections. A runner is customarily in direct contact with the wirerooms in order to receive win or loss figures for each of his bettors.



4. Hereafter, unless otherwise specified, all phones without an area code prefix are in the "212" area. Similarly all addresses, unless otherwise specified, are located within the County of New York.

5. All information related by the informants in this affidavit has been related verbally to Special Agents of the Federal Bureau of Investigation on the dates prefacing the information supplied, and the said information thereafter was communicated to the affiant by these Special Agents verbally or by written report. When the Special Agent is unnamed, it is done for the security and personal safety of the informant.

6. For the Court's convenience, when independent investigation by the Federal Bureau of Investigation corroborates information furnished by a confidential informant, the corroborative investigation will appear in the same paragraph which contains the confidentially furnished information.

7. The facts for this application are derived from three confidential sources who are reliable informants of the Federal Bureau of Investigation. These informants will hereinafter be referred to as Mr. A, Mr. B, and Mr. C.

8. Mr. A has furnished reliable information to the Federal Bureau of Investigation since 1973. Much of this information has pertained to federal gambling violations such



as the one which forms the basis of the instant application. Confidential information furnished by Mr. A has been successfully utilized to secure four federal search warrants and two interceptions of wire communications in currently active investigations pertaining to violations of federal gambling laws. In 1973, Mr. A furnished information which led to the arrests and subsequent convictions of four individuals for interstate transportation of stolen merchandise.

a. On February 3, 1975, Mr. A provided the following information: Mr. A advised that on February 3, 1975 he had a telephone conversation with RITCHIE during which RITCHIE told him that ARTIE SUNSHINE had said that he was employed as a "runner" in a gambling operation. Mr. A advised that "runners" solicit bettors for gambling operations and meet bettors once a week to make payments on winning wagers and to make collections on losing wagers. Mr. A advised that he has worked with ARTIE SUNSHINE during the past several years as runners in the same gambling operation and that from this association he knows ARTIE SUNSHINE's true name to be ARTHUR SONNENSCHIEIN who resides in Brooklyn and is employed by Sak's Fifth Avenue Department Store.



b. On March 7, 1975, Mr. A provided the following information: Mr. A advised that he is aware of a sports and horses gambling operation which is known by the code name "Mr. Dixon." Mr. A stated that since February of 1975 he has made daily telephone calls between 5:00 and 8:00 p.m. using the numbers 860-0702 and 860-0704 for the purpose of receiving "line information" on sports activities and "win-loss" figures. During the course of these conversations Mr. A would also place wagers on various sports events. These conversations would always be with one of three "clerks" who identified themselves as RITCHIE, RONNY, and DANNY. Mr. A advised that RITCHIE furnished him with the aforesaid telephone numbers to permit him to receive the above-described information from the gambling operation known as "Mr. Dixon".

Corroboration: On March 6, 1975 Special Agent Frank J. Meyers was advised by the Security Officer of the New York Telephone Company that the records of the New York Telephone Company reflected that 860-0702 and 860-0704 are subscribed to by Jose Ramon Perez, 2433 Second Avenue, New York, New York. It is believed that Jose Ramon Perez is a fictitious name used by members of the gambling conspiracy to

conceal their unlawful activities (see pages 11 and 16).

c. On March 29, 1975, Mr. A provided the following information: Mr. A said that on March 29, 1975 RITCHIE told him over the telephone that the telephone numbers for the operation were being changed to 348-3770 and 348-3771 and that he was still a clerk in the operation. RITCHIE stated that RONNIE would only clerk on the weekends.

Corroboration: On April 7, 1975, Special Agent Frank J. Meyers of the Federal Bureau of Investigation was advised that the records of the New York Telephone Company reflected that 348-3770 and 348-3771 are subscribed to by TRIM LINE PRODUCTIONS, CARMELLA CIANCA, Women's Underwear Manufacturers, 107 E. 125th Street, New York, New York.

d. On April 7, 1975, Mr. A provided the following information: Mr. A stated that on April 7, 1975 RITCHIE told him over the telephone that the hours of the operation were being changed to 12:00 P.M. to 2:00 P.M. and 6:00 P.M. to 8:00 P.M.

Corroboration: From April 9, 1975 to April 23, 1975, Special Agents of the Federal Bureau of Investigation, conducted surveillances in the vicinity of the suspected wireroom ~~at~~ 107 E. 125th Street from 11:00 a.m. to 2:00 p.m. and from 6:00 p.m. to 8:00 p.m. A total of four unidentified white males were observed on almost a daily basis entering and exiting the doorway just prior to and following the hours of operations specified by RITCHIE in his April 7, 1975 conversation with Mr. A. 107 E. 125th Street is bounded by the west by a bar



and to the east by an empty store front. The number "107" and the words "Kanawha," "Hilda Stokely", and "Frank Rossatti" are over the doorway.

On April 14, 1975, Special Agents of the Federal Bureau of Investigation conducted surveillance in the vicinity of 107 E. 125th Street and took twelve photographs of two unidentified white males entering and exiting the building between the hours of 10:59 a.m. and 2:18 p.m. These men can be described as follows:

Unidentified white male number one: 40-42 years old, 5'11" - 6' tall, 180-190 pounds, dark hair, wearing a short blue leather coat, and driving a green Mercury Capri, New Jersey license 606 CBS. This man was seen entering or exiting the above-described suspected wireroom during the hours previously mentioned by RITCHIE on April 9, 10, 14, 15, 16, 20 and 23, 1975. (This man was subsequently identified as RITCHIE by Mr. C; see infra, paragraph 11a.) Investigation of the license number of the aforementioned automobile has failed to yield a more complete identification of RITCHIE (LNU).

Unidentified white male number two: 28-30 years old, 5'8" - 5'9" tall, 160-170 pounds, dark hair, wearing a navy blue pea coat and driving a white over blue Buick, New York license 345-Y X M. This man was seen entering or exiting the above-described suspected wireroom during the hours previously mentioned by RITCHIE on April 9, 10, 14, 15, 16 and 20, 1975. (This man was subsequently identified as DANNY KRAMER by Mr. C; see infra, paragraph 11a.)

On April 21, 1975, the Federal Bureau of Investigation conducted a photographic surveillance at 107 E. 125th Street, New York City from 4:45 P.M. to 6:40 P.M. and a total of four photographs were taken of an unidentified white male, 5'9"-5'10" tall, 34-40 years old, dark color of hair, 165-170 pounds, wearing a brown coat and tan slacks, driving a late model green Plymouth with New York license 960 QCW. This white male entered 107 E. 125th Street, New York City at 5:12 p.m. This same individual was observed exiting the suspected wireroom at 107 E. 125th Street during the hours previously mentioned by RITCHIE on two prior occasions. On April 14, 1975 he was observed leaving at 7:55 p.m. On April 15, 1975, he was observed leaving at 8:00 p.m.

During April, 1975, Special Agent Nicholas D. Gianturco ascertained that the records of the New York State Department of Motor Vehicles reflected New York license 960 QCW as being registered to DAVID STEINBERG, born March 7, 1927, 1120 Cathedral Avenue, Franklin Square, Long Island, New York on a 1974 green Plymouth.

On April 23, 1975, Special Agent A. Robert Walsh identified the individual depicted in the surveillance photographs taken April 21, 1975 as DAVID STEINBERG, who Special Agent Walsh had previously interviewed concerning another gambling operation.

e. On April 24, 1975, Mr. A provided the following information: Mr. A advised that on the morning of April 23,



1975 RITCHIE told him over the telephone that the telephone numbers for the operation had been changed back to 860-0702 and 860-0704 because the New York City Police Department had raided the 107 E. 125th Street location on the evening of April 22, 1975. RITCHIE told Mr. A that "number one is pissed off because they may have got some equipment." RITCHIE further advised Mr. A that 860-0702 and 860-0704 became effective as of 12:00 noon, April 23, 1975. Mr. A further advised that during the time he was utilizing 348-3770 and 348-3771 to receive gambling information during the evening, he had spoken to an individual whose voice he did not recognize.

f. On April 29, 1975, Mr. A provided the following information: Mr. A was shown the photographs of the above-described unidentified white male number two in Manhattan by a Special Agent of the Federal Bureau of Investigation. Mr. A stated that this individual's name was DANNY. Mr. A said that he has personally seen and spoken to DANNY within the past week concerning the gambling operation known as "Mr. Dixon" and that DANNY told him that ARTHUR SOHNENSCHNEIN put DANNY into the operation as a clerk.

Mr. A was also shown a photograph taken by the New York City Police Department on March 6, 1970 of RICHARD ESPOSITO, who resides at 451 E. 119th Street, and was born on July 6, 1925. Mr. A identified this photograph as a picture of the man that controlled this gambling operation. MR. A stated that this man is known to him by the nicknames

of "DIXON" and "Dick". Mr. A stated that he met "Dixon" within the past six months outside Manny's Lounge. Mr. A stated that "DIXON" met him there to "settle up" on payments and collections of the gambling operation. Mr. A stated that "DIXON" was there because one of the members of the club couldn't be there \*\*\*\* to pay off the weekly operation's losses on winning horse and sports wagers and to collect the operation's winnings on losing horse and sports wagers.

Mr. A stated that he has overheard seven or eight code names used by the runners during his telephone conversations with the clerks in the wireroom. These code names are "Fox," and "Cadillac" among others.

Corroboration: From April 15, 1975 to May 13, 1975, Special Agent of the Federal Bureau of Investigation conducted surveillances in the vicinity of 107 E. 125th Street, 2433 Second Avenue and 2419 Second Avenue. An examination of the Manhattan telephone directory by your affiant revealed that 2419 Second Avenue is the address for R. S. Esposito Stationery, 876-9817. The surveillances revealed the following:

On April 15, 1975 RITCHIE entered the suspected wireroom at 107 E. 125th Street at 7:59 p.m. then left the suspected wireroom and entered ESPOSITO STATIONARY at 8:00 p.m. and left at 8:15 p.m.

On April 23, 1975, I and other Special Agents of the Federal Bureau of Investigation conducted a physical surveillance at and in the area of 2433 Second Avenue, New York City, and observed the above unknown white male number



one exit 2433 Second Avenue at 2:29 P.M., walk to R. S. ESPOSITO STATIONARY at 2419 Second Avenue and enter. At 2:43 P.M. this unknown white male was observed leaving R. S. ESPOSITO STATIONARY, getting into a late model green Mercury Capri, New Jersey license 606 CBS, and departing the area. At 5:20 P.M., a white over blue Buick, N.Y. license 345 YXM, driven in the past by DANNY, was observed parked directly in front of 2433 Second Avenue and the late model green Mercury Capri, New Jersey license 606 CBS, was observed parked near 2433 Second Avenue on Second Avenue at 123rd Street, New York City. At 7:55 P.M., the above unidentified white male number one was observed exiting 2433 Second Avenue, getting into the green Capri, N. J. License 606 CBS, and driving to D J's Lounge, Route 63, Fairview, New Jersey.

On April 24, 1975, I and other Special Agents of the Federal Bureau of Investigation observed at 1:45 P.M., the above green Capri and the above white over blue Buick parked in the immediate vicinity of 2433 2nd Avenue, New York City.

On April 28, 1975, DANNY KRAMER was observed entering R.S. ESPOSITO STATIONERY immediately after exiting the suspected wireroom at 2433 Second Avenue at 8:03 P.M.

On April 29, 1975, RITCHIE was observed leaving the suspected wireroom at 2433 Second Avenue at 8:00 P.M.

On May 3, 1975, RITCHIE was observed leaving the suspected wireroom at 2433 Second Avenue at 7:35 P.M.

On May 9 and 10, 1975, a green Mercury Capri, New Jersey license 606 CBS, previously driven by RITCHIE, was observed parked in the vicinity of the suspected wireroom at 2433 Second Avenue at 1:58 p.m. and 12:01 p.m. respectively.

On May 12, 1975, RITCHIE was observed leaving the suspected wireroom at 2433 Second Avenue at 7:55 p.m. and immediately enter ESPOSITO STATIONERY. At 8:05 p.m. he was observed to leave ESPOSITO STATIONERY. Also on May 12, 1975, DAVID STEINBERG was observed entering the suspected wireroom at 2433 Second Avenue at 5:49 p.m. and leaving at 7:55 p.m. He was then observed to walk directly to ESPOSITO STATIONERY.

On May 13, 1975, DANNY was observed to leave the suspected wireroom at 2433 Second Avenue at 2:43 p.m. and immediately enter ESPOSITO STATIONERY only to leave at 2:45 p.m. At 7:59 p.m. RITCHIE was observed to leave the above-described wireroom and immediately enter the candy store. He left at 8:05 p.m. Also at 7:59 p.m. DAVID STEINBERG was observed to leave the suspected wireroom at 2433 Second Avenue.

Based upon your affiant's surveillance of the area surrounding the suspected wireroom at 2433 Second Avenue from April 23, 1975 to May 13, 1975. I know that said address is



in a brick apartment-style building which is approximately six stories high and is located between 124th and 125th Streets. Directly to the south is at the liquor store. Directly to the north is a bar.

Special Agents of the Federal Bureau of Investigation have been unable to identify the particular apartment unit in which Jose Ramon Perez resides or from which the conspirators conduct their unlawful activities. Within the past month, Special Agents of the Federal Bureau of Investigation have checked the records of the New York Telephone Company on three separate occasions, and have checked the records of the Consolidated Edison Company on one occasion. These checks have failed to disclose the aforementioned information. It should be noted that 2433 2nd Avenue is in an area known as East Harlem. This area is notorious for unlawful gambling activity, and thus it is exceedingly difficult to conduct covert surveillance. Accordingly, it has not been possible to determine the particular apartment in which either Jose Ramon Perez resides or the conspirators conduct their unlawful activities.

g. On May 5, 1975, Mr. A provided the following information: Mr. A said that he has called 860-0702 and 860-0704 every day for the past seven days and received "line" information, won - lost figures and placed four wagers. During

these calls he either spoke to "DANNY" or "RITCHIE". He last called at 12:20 p.m. May 5, 1975.

h. On May 13, 1975 Mr. A provided the following information: Mr. A advised that since May 5, 1975 he has continued to call either 860-0702 or 860-0704 at least once daily for the purpose of collecting won-loss figures on his bettors and that he has spoken to either DANNY, RITCHIE, or third male voice with which he is not familiar. Mr. A said that RONNIE may still be clerking on the weekends but he hasn't spoken with him recently. Mr. A advised that his last call over 860-0704 occurred during the afternoon of May 13, 1975 and that he received his "won-loss" figures on his gamblers from DANNY.

i. On May 14, 1975, Mr. A provided the following information: Mr. A advised that he had received his "won-loss" figures from the individual with the unfamiliar voice when he called 860-0704 during the evening of May 13, 1975.

j. On May 29, 1975, Mr. A provided the following information: Mr. A advised that on May 28, 1975, between 6:00 P.M. and 8:00 P.M. he called 860-0704 and asked for "RITCHIE". A male voice answered no and identified himself as "DICK" and gave Mr. A his "won-loss" figures for the preceding day.

Corroboration: On May 28, 1975, your affiant conducted surveillance in the vicinity of the suspected wireroom at 2433 Second Avenue and observed RICHARD ESPOSITO exit the



building at 8:04 p.m. carrying a brown paper bag. One minute later your affiant observed RITCHIE exit the building. Both men walked directly in to R.S. ESPOSITO STATIONERY, 2419 Second Avenue, and left the stationery store approximately twelve minutes later without the brown paper bag.

9. Mr. B has furnished information pertaining to unlawful gambling operations in New York area on at least forty separate occasions Special Agents of the Federal Bureau of Investigation since May of 1972. This information has been corroborated by independent investigations of both the Federal Bureau of Investigation and the New York City Police Department and has directly resulted in the approval and execution of one New York search warrant, one federal search warrant, and one federal wiretap for gambling operations. Information furnished by Mr. B has directly resulted in the arrest and conviction of one individual for violations of New York State gambling laws, a federal contempt citation of one individual for refusing to testify before a federal grand jury investigating gambling, and one conviction for violation of federal income tax laws.

10. On March 5, 1975 Mr. B provided the following information:

a. Mr. B stated that from November 1974 to January 1975 he has placed a number of wagers for horses or other sporting events by placing telephone calls to 860-0702 or 860-0704 and speaking to at least one or two individuals.

Mr. B said that he knows that at least two individuals are making his wagers over the telephone lines bearing the numbers 860-0702 or 860-0704 because of these individual's distinctive voices. Mr. B said that within the past week ARTHUR SONNENSCHNEIN, who he also knows as "Sunshine" told him that the "Dixon" gambling operation uses the telephone lines having the numbers 860-0702 and 860-0704 to receive wagers from bettors and that he (SONNENSCHNEIN) was employed by the "Dixon" operation as a "runner."

b. On April 24, 1975, Mr. B provided the following information: Mr. B stated that ARTHUR SONNENSCHNEIN told him that "Dixon", who runs the gambling operation, meets with his "runners" and "line-men" at Manny's Lounge, 1201 Lexington Avenue after 8:00 p.m. on Tuesday nights to "settle up." Mr. B said SONNENSCHNEIN told him that two of the "runners" who met with Dixon at Manny's Lounge to "settle-up" are SONNENSCHNEIN himself and "ALEX THE GREEK".

Corroboration: On April 29, 1975 Special Agents of the Federal Bureau of Investigation conducted a surveillance in the vicinity of Manny's Lounge, 1201 Lexington Avenue. At 8:23 RICHARD ESPOSITO exited the lounge and briefly spoke to an unidentified individual. He then re-entered the Lounge. At 8:39 ARTHUR SONNENSCHNEIN was observed entering the lounge. At 8:43 p.m. a white male was observed leaving the lounge driving a green Cadillac, New York license 926 YEI.

On April 30, 1975, an examination of the records of the New York State Department of Motor Vehicles by your affiant, revealed that New York license 926 YEI is registered to ALEX



156 Amber St., Staten Island, New York, born October 28, 1924.

An examination of the files of the Federal Bureau of Investigation by Special Agent Nicholas Gianturco in May of 1975 revealed that during August 26, 1963 interview with a Special Agent of the Federal Bureau of Investigation, ALEX NICHAS admitted that he was born on October 28, 1924 and that he is sometimes known as "ALEX THE GREEK". "ALEX THE GREEK" "ALEX THE GREEK" (a/k/a "NICK THE GREEK") is known to the Federal Bureau of Investigation as one of the six major bookmakers in the Long Island, New York, area.

c. On May 13, 1975, Mr. B provided the following information: Mr. B advised that on the morning of May 13, 1975 he had a conversation with ARTHUR SONNENSCHNEIN wherein SONNENSCHNEIN told him that he was still a runner in the Dixon operation, that DICK ESPOSITO is "still running the show" and that "ALEX THE GREEK" is still a runner. SONNENSCHNEIN further stated that ESPOSITO continues to meet with SONNENSCHNEIN and

at Manny's Lounge to settle up and that he (SONNENSCHNEIN) uses 860-0702 and 860-0704 on a daily basis "to get his figures".

11. Mr. C has furnished information pertaining to unlawful gambling to Special Agents of the Federal Bureau of Investigation since 1964. This information has been corroborated by independent investigations conducted by the Federal Bureau of Investigation and the New York City Police Department and has directly resulted in the approval and execution of 4 federal



search warrants for gambling offenses. Mr. C has also furnished information which has led to the arrests and convictions of 35 individuals for violations of Title 18, United States Code, Section 1955. Mr. C professes to be an avid gambler and states that he has placed wagers with many unlawful gambling operations in the New York area.

a. On May 6, 1975, Mr. C provided the following information: Mr. C stated that for better than eight months he has known that a gambling business has been operating in Manhattan which is commonly referred to as the "Dixon Operation". Mr. C learned this from conversations with the participants in the operation. Mr. C said that within the past week ARTHUR SONNENSCHIEIN told him that he is a "runner" in the "Dixon" operation and that the Dixon operation is a very large gambling business. Mr. C identified the surveillance photograph taken on April 16, 1975 of the unidentified male number one as RITCHIE who he said was currently the head clerk of the "Dixon" operation. Mr. C stated that RITCHIE lives in New Jersey. Mr. C identified the surveillance photograph taken on April 14, 1975 of the unidentified male number two as DANNY KRAMER who is currently a clerk in the "Dixon" operation and who lives in Manhattan. Mr. C said that DANNY KRAMER works "mainly evenings". Mr. C said that he knows RITCHIE'S and DANNY KRAMER'S function in the "Dixon" operation because of conversations with them occurring as recently as within the past week. Mr. C further said that "Dixon", the



head of the operation, is really RICHARD ESPOSITO. Mr. C says that he knows that "Dixon" is RICHARD ESPOSITO from his past years of association with him in other gambling operations. Moreover, within the past week, DANNY told Mr. C that "Dixon" was RICHARD ESPOSITO. Mr. C also advised that within the past week ARTHUR SONNENSCHNEIN told him that ESPOSITO is the boss of the operation and has the "mob connection" for the operation. Mr. C further advised that RICHARD ESPOSITO owns a store on Second Avenue between 124th Street and 125th Street in New York, New York.

12. Between April 23, 1975 and May 12, 1975 your affiant made two pretext calls to either 860-0702 or 860-0704 and spoke to an unidentified male. At 7:23 p.m. on May 12, 1975 your affiant made a pretext telephone call to 212-860-0702. A male answered and said "Hello," and Special Agent Bradbury said, "Yeah, Ritchie?" The male who answered the telephone said, "Yeah, Buddy."

In the opinion of your affiant this voice was the same voice that answered the telephone on previous telephone calls to either 212-860-0702 or 860-0704.

13. RICHARD ESPOSITO is known to the New York City Police Department under the number BA32723 and is known to the Federal Bureau of Investigation under the number 164447D. A record check by the affiant revealed that ESPOSITO has been arrested ten times for New York and New Jersey state gambling violations since 1958. He has been convicted three times.

14. DAVID STEINBERG is known to the Nassau County Police Department under the number 100712. He was arrested in 1974 for a state gambling violation. This case is awaiting trial.

15. ARTHUR SONNENSCHNEIN is known to the New York City Police Department under the number B427184. He is known to the Federal Bureau of Investigation under the number 697360D. He has been arrested twenty-one times for state gambling violation since 1958 and convicted five times. He is awaiting sentencing.

16. ALEX NICHAS is known to the New York Police Department under the number B525846. He has been arrested and convicted for a state gambling violation. On May 22, 1974 he was arrested for a state gambling violation. He is awaiting sentencing.

17. Need for Interception: I know from my experience and that of other agents that most bookmaking operations dealing in sports and horse race gambling accept bets primarily on the telephone, many times assigning code names for the bettors making the wagers and the bookmakers accepting them. The only required personal contact between the bettor and bookmaker in these instances is when they "settle up", that is, when they balance their account and any money owed at that time by one or the other is paid. These bets are recorded by the bookmaker accepting them on the telephone on a separate "sheet" for each runner, who settles with the better. In addition, I know that many times the person who "settles up" with the bettor is not the same person who receives the bet telephonically.



18. My experience and the experience of other agents have shown that gambling raids and searches of gamblers and their gambling establishments, have not, in the past, resulted in the gathering of physical or other evidence to prove all elements of the offenses. I have found through my experience and the experience of other special agents who have worked on gambling cases that gamblers frequently do not keep permanent records. If such records have been maintained, gamblers immediately, prior to or during a physical search, destroy them. Additionally, records that have been seized in the past gambling cases have generally not been sufficient to establish elements of a Federal offense because such records are difficult to interpret and many times are of little or no significance without further knowledge of the gambler's activities and nature of the operation.

19. The informants referred to in this affidavit are unwilling to testify against RICHARD ESPOSITO, ARTHUR SONNENSCHNEIN (a/k/a, SUNSHINE), ALEX NICHAS (a/k/a, ALEX THE GREEK), RITCHIE (LNU), DANNY KRAMER and others as yet unknown, involved in the gambling business, because of fear for their personal safety.

20. For the reasons enumerated in paragraphs 17-19, all normal avenues of investigation and prosecution have been exhausted or have been considered too risky to attempt.

Surveillances at the wire room have not been productive in ascertaining those persons in the higher echelons of this gambling business. The bosses and financiers of this gambling business have

employed various techniques to avoid detection by normal investigative procedures. Fictitious telephone subscribers and betting code names are but two examples of the covert efforts they have made to protect their identities. The only reasonable and possible investigative procedure remaining which can furnish the required quantum of evidence sufficient to prove beyond a reasonable doubt that RICHARD ESPOSITO, ARTHUR SONNENSCHNEIN (a/k/a, SUNSHINE), ALEX NICHAS (a/k/a ALEX THE GREEK), RITCHIE (LNU), DANNY KRAMER and others as yet unknown, are conducting, financing, managing, supervising, directing and owning all or part of an illegal gambling business in violation of Title 18, United States Code, Sections 371 and 1955, is to investigate wire communications to and from telephone numbers 860-0702.

21. Section 803 entitled "Syndicated Gambling", of the Organized Crime Control Act of 1970, Public Law 91-452, 91st Congress, approved October 15, 1970, amended Chapter 95, Title 18, United States Code, by adding a new section, Section 1955, Prohibition of Illegal Gambling Business. Section 801 of Title VII of the Act contains special finding that illegal gambling involves widespread use of, and has an effect upon interstate commerce and the facilities thereof.

No other application known to the affiant has been made to any judge for interception of wire or oral communications of any of the persons, facilities or places named in this affidavit.

22. Inasmuch as the gambling operation described herein is a continuing criminal conspiracy, the evidence sought through the interception of wire communications to and from the above-described



telephone numbers will be obtained on a continuing basis on several days succeeding the first receipt of communications, which is the objective of this request. Therefore, it is requested that these intercepts not terminate when the sought communications are first obtained, but continue until interception reveals the identities or the confederates of RICHARD ESPOSITO, ARTHUR SONNENSCHNEIN a/k/a SUNSHINE, ALEX NICHAS a/k/a ALEX THE GREEK, RITCHIE (LNU), DANNY KRAMER and others as yet unknown, their places of operation and the nature of the conspiracy involved therein, or for a period of twenty days from the date of the order, whichever is earlier.

Wherefore, I submit that the information supplied by the reliable informants, as corroborated by information obtained from the New York Telephone Company, the New York State Department of Motor Vehicles and also by investigation of special agents of the FBI, as set forth in preceding paragraphs, provides sufficient facts to establish probable cause that RICHARD ESPOSITO, ARTHUR SONNENSCHNEIN (a/k/a, SUNSHINE), ALEX NICHAS (a/k/a, ALEX THE GREEK), RITCHIE (LNU), DANNY KRAMER and others as yet unknown, have been and are now conducting a gambling operation and that DANNY KRAMER, ARTHUR SONNENSCHNEIN and RITCHIE (LNU) have been and are now using telephones numbered 860-0702 and 860-0704 both located at 2433 2nd Avenue, New York City, which are an integral part of said gambling operation in violation of Article 225, Section 225.00 through 225.40 of the New York Penal Law and also thereby in violation of Sections 371, 1955 and of Title 18, United States Code.

\_\_\_\_\_  
WILLIAM BRADBURY, Jr.  
Special Agent  
Federal Bureau of Investigation

OPTIONAL FORM NO. 10  
JULY 1973 EDITION  
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

*Memorandum*

TO : Acting Assistant Attorney General  
Criminal Division

DATE: June 9 1975

FROM : The Attorney General

SUBJECT: Authorization for Interception  
Order Application

This is with regard to your recommendation that I authorize an application to a Federal judge of competent jurisdiction for an order under Title 18, United States Code, Section 2518, authorizing the interception of wire communications for a twenty (20) day period to and from the telephones bearing numbers 212-860-0702 and 212-860-0704, both of which are located at 2433 Second Avenue, New York, New York, in connection with the investigation into possible violations of Title 18, United States Code, Sections 1985 and 371, by Richard Esposito, Arthur Sonnenschein, Alex Nicholas, Danny Kramer, Ritchie (last name unknown), and others as yet unknown.

Pursuant to the power conferred on me by Section 2518 of Title 18, United States Code, I hereby authorize the above-described application to be made by any investigative or law enforcement officer of the United States as defined in Section 2510(7) of Title 18, United States Code.

*Edward H. Levi*  
EDWARD H. LEVI  
Attorney General

*June 9, 1975*  
DATE



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
IN THE MATTER OF THE APPLICATION :

OF THE UNITED STATES FOR AN ORDER :

NO. M19-97 (38)

AUTHORIZING THE INTERCEPTION OF :

APPLICATION AND SEALING  
ORDER

WIRE COMMUNICATIONS :

-----x

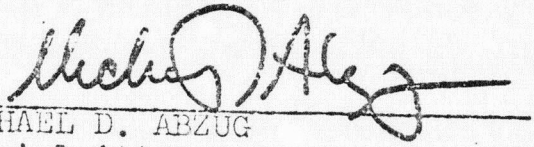
APPLICATION AND ORDER

THE UNITED STATES OF AMERICA, by and through Michael D. Abzug, Special Attorney for the Department of Justice, assigned to the Southern District of New York, hereby makes application to this Court for an Order, pursuant to the provisions of Section 2518(8)(a) of Title 18, United States Code, sealing 21 (twenty-one) reels of tape recordings of wire communications intercepted pursuant to an Order of this Court, signed on June 11, 1975, authorizing the interception of wire communications of DANNY KRAMER, RITCHIE (LNU), ARTHUR SONNENSCHNEIN, (a/k/a, "SUNSHINE"), and others as yet unknown, to and from the telephone lines numbered 212-860-0702 and 212-860-0704 and subscribed by Jose Ramon Perez, 2433 Second Avenue, New York, New York.

The Government further requests that this Court direct, pursuant to the provisions of Section 2518(8)(a) of Title 18, United States Code, that said tape recordings in the above-captioned matter be held in the custody of the Federal Bureau of Investigation of the United States Department of Justice.

Respectfully submitted,

Dated: New York, New York  
June 23, 1975

  
MICHAEL D. ABZUG  
Special Attorney  
United States Department of Justice

IT IS SO ORDERED

Dated: New York, New York  
June 24, 1975

ss/ The Honorable Edmund L. Palmieri  
UNITED STATES DISTRICT JUDGE



## UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK  
NEW YORK, N. Y. 10007CHAMBERS OF  
EDMUND L. PALMIERI  
DISTRICT JUDGE

June 23, 1975

Michael Abzug, Esq.  
New York Joint Strike Force  
United States Courthouse Annex  
Foley Square  
New York, N.Y. 10007

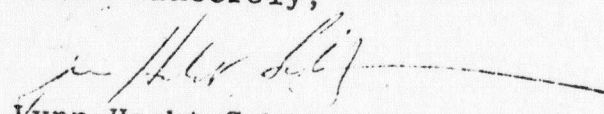
Re: In the Matter of the Application of the  
United States for an Order Authorizing  
the Interception of Wire Communications  
Miscellaneous # M 19-97 (38)

Dear Mr. Abzug:

As you requested, I am writing to confirm the following facts:

1. On Monday, June 16, 1975, Barbara Ambler, Esq, a Strike Force attorney, conveyed to me in the absence of Judge Palmieri the Fifth Day Report on the above captioned matter, which Judge Palmieri signed and sealed on Tuesday, June 17, 1975.
2. On Monday, June 23, 1975 you telephoned me to express your intention and readiness to offer the Tenth Day Report on the above captioned matter, and twenty-one (21) tapes to be sealed. Owing to Judge Palmieri's absence this afternoon, you decided to present them to him at 3 P.M. tomorrow, June 24, 1975.

Yours sincerely,

  
Lynn Hecht Schafran  
Law Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

44a

-----X  
IN THE MATTER OF THE APPLICATION :  
OF THE UNITED STATES FOR AN ORDER :  
AUTHORIZING THE INTERCEPTION OF :  
WIRE COMMUNICATIONS :  
-----X

ORDER

AUTHORIZING INTERCEPTION OF ORAL COMMUNICATIONS

TO: Special Agents of the Federal Bureau of Investigation, United States  
Department of Justice

Application under oath having been made before me by MICHAEL D. ABZUG, a Special Attorney with the Organized Crime and Racketeering Section of the United States Department of Justice, and an "investigative or law enforcement officer ... of the United States," as defined in Section 2510(7) of Title 18, United States Code, for an order authorizing the interception of wire communications pursuant to Section 2518 of Title 18, United States Code, and full consideration having been given to the matters set forth therein, the Court finds:

- (a) there is probable cause to believe that RICHARD ESPOSITO, ARTHUR SONNENSCHN (a/k/a "SUNSHINE"), KENNY (LNU) (believed to be KENNETH DAVIS), DANNY KRAMER, RICHIE (LNU), and others as yet unknown, have committed and are committing offenses involving wire communications to conduct an illegal gambling business in violation of Article 225 of the New York State Penal Law involving five or more persons, and that has been and remains in



substantially continuous operation for a period in excess of thirty (30) days, thereby being in violation of Title 18, United States Code, Section 1955, and a conspiracy to commit such offenses in violation of Title 18, United States Code, Section 371.

(b) there is probable cause to believe that particular wire communications of DANNY KRAMER, ARTHUR SONNENSCHIEIN (a/k/a "SUNSHINE"), RITCHIE (LNU), KENNY (LNU) (believed to be KENNETH DAVIS), RICHARD ESPOSITO and others as yet unknown, concerning these offenses will be obtained through the interception, authorization for which is herewith applied for. In particular, these wire communications will reveal the identities and roles of all participants in the illegal gambling business, the amounts of monies owed to or by bettors and other participants in the gambling business, the distribution of contraband monies and records obtained by and used in the illegal gambling business, the methods of record-keeping and the meaning thereof, the methods of operations used by participants in the gambling business and the full nature and scope of the conspiracy involved therein. In addition, the communications are expected to constitute admissible evidence of the offenses.

X (c) normal investigative procedures either have been tried and have failed or reasonably appear unlikely to succeed if continued, or reasonably appear unlikely to succeed if tried.

(d) there is probable cause to believe that the telephones located at 251 E. 123rd Street, New York, New York, subscribed to by

Jose A. Feliciano, and bearing the telephone numbers (212) 289-2579 and (212) 289-2547, have been and are being and will continue to be used by DANNY KRAMER, RITCHIE (LNU), ARTHUR SONNENSCHNEN, RICHARD ESPOSITO, KENNY (LNU) (believed to be KENNETH DAVIS), and others as yet unknown, in the commission of the above-described offenses.

(c) there is probable cause to believe that the telephones located at 343 E. 30th Street, Apartment 30, New York, New York, subscribed to by Donald Walker, and bearing the telephone numbers (212) 686-2138 and (212) 686-2299 have been used and are being used and will continue to be used by DANNY KRAMER, RICHARD ESPOSITO, KENNY (LNU) (believed to be KENNETH DAVIS), RITCHIE (LNU), and others as yet unknown in the commission of the above-described offenses.

(f) there is probable cause to believe that the two public telephones located on the southeast corner of 81st Street and Lexington Avenue, New York, New York, and bearing the telephone numbers (212) 348-9822 and (212) 831-9709 have been used and are being used and will continue to be used by RICHARD ESPOSITO, RITCHIE (LNU), KENNY (LNU) (believed to be KENNETH DAVIS), and others as yet unknown in the commission of the above-described offenses.

WHEREFORE, it is hereby ordered that Special Agents of the Federal Bureau of Investigation, United States Department of Justice, are authorized, pursuant to application authorized by the Assistant Attorney General of



the Tax Division, United States Department of Justice, the Honorable Scott P. Crampton, who has been specially designated by the Attorney General of the United States, to exercise the power conferred on him by Section 2516 of Title 18, United States Code: to intercept wire communications of DANNY KRAMER, RITCHIE (LNU), ARTHUR SONNENSCHN (a/k/a "SUNSHINE"), RICHARD ESPOSITO, KENNY (LNU) (believed to be KENNETH DAVIS), and others as yet unknown concerning the above-described offenses to and from the telephones subscribed to by Jose A. Feliciano, 251 E. 123rd Street, New York, New York and bearing the telephone numbers (212) 289-2579 and (212) 289-2547. Such interception shall not automatically terminate when the type of communication described above in paragraph (b) has first been obtained but shall continue until communications are intercepted which reveal the manner in which RICHARD ESPOSITO, ARTHUR SONNENSCHN (a/k/a "SUNSHINE"), KENNY (LNU) (believed to be KENNETH DAVIS), DANNY KRAMER, RITCHIE (LNU), and others as yet unknown participate in the illegal gambling business, the identities and roles of their confederates and their associates in the illegal gambling business, and the places and locations used in furtherance of the gambling business, the amounts of monies wagered, the amounts of monies owed to or by bettors and other participants in the gambling business, the distribution of contraband monies and records obtained by and used in the illegal gambling business, the methods of recordkeeping and the meaning thereof, the methods of operation used by the participants in the gambling business and the full nature and scope of the conspiracy involved therein, or for a period of twenty (20) days from the date of this order, whichever is earlier.



IT IS FURTHER ORDERED that the New York Telephone Company, a communication carrier as defined in Section 2519(10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the service that such carrier is rendering to the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the New York Telephone Company to be compensated for the applicant at the prevailing rates.

PROVIDING THAT, this authorization to intercept wire communications shall be executed as soon as practical after signing of the Order and shall be conducted in such way as to minimize the interception of communications not otherwise subject to interception under Chapter 119 of Title 18, United States Code, and must terminate upon attainment of the authorized objective or, in any event, at the end of twenty (20) days from the date of this Order, whichever is earlier.

PROVIDING ALSO, that interception of wire communications at the above-described premises shall occur only between the hours of 11:00 a.m. and 2:45 p.m. and 4:30 p.m. and 8:15 p.m.

PROVIDING FURTHER THAT, MICHAEL D. ABZUG shall provide the Court with a report on the 5th, 10th and 15th day following the date of this Order showing what progress has been made toward achievement of the authorized objective and the need for continuing interception.

WHEREFORE, it is hereby also ordered that Special Agents of the Federal Bureau of Investigation, United States Department of Justice, are authorized, pursuant to application authorized by the Assistant Attorney



General of the Tax Division, United States Department of Justice, the Honorable Scott P. Grampton, who has been specially designed by the Attorney General of the United States, to exercise the power conferred on him by Section 2516 of Title 18, United States Code: to intercept wire communications of DANNY KRAMER, RITCHIE (LNU), RICHARD ESPOSITO, KENNY (LNU) (believed to be KENNETH LEWIS), and others as yet unknown concerning the above-described offenses, and from telephones subscribed to by Donald Walker, 343 E. 30th Street, Apartment 3C, New York, New York, and bearing the telephone numbers (212)686-2138 and (212) 686-2299. Such interception shall not automatically terminate when the type of communication described above in paragraph (b) has first been obtained but shall continue until communications are intercepted which reveal the manner in which RICHARD ESPOSITO, ARTHUR SONNENSCHN (a/k/a SUNSHINE), KENNY (LNU) (believed to be KENNETH DAVIS), DANNY KRAMER, RITCHIE (LNU), and others as yet unknown participate in the illegal gambling business, the identities and roles of their confederates and their associates in the illegal gambling business, and the places and locations used in furtherance of the gambling business, the amounts of monies wagered, the amounts of monies owed to or by bettors and other participants in the gambling business, the distribution of contraband monies and records obtained by and used in the illegal gambling business, the methods of recordkeeping and the meaning thereof, the methods of operation used by the participants in the gambling business and the full nature and scope of the conspiracy involved therein, or for a period of twenty (20) days from the date of this order, whichever is earlier.

IT IS FURTHER ORDERED that the New York Telephone Company, a communication carrier as defined in Section 2510(10) of Title 8, United States Code, shall furnish the applicant forthwith all



information, facilities and technical assistance necessary to accomplish the interception unobstrusively and with a minimum of interference with the service that such carrier is according to the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the New York Telephone Company to be compensated for the applicant at the prevailing rates.

PROVIDING THAT, this authorization to intercept wire communications shall be executed as soon as practical after signing of this Order, and shall be conducted in such way as to minimize the interception of communications not otherwise subject to interception under Chapter 119 of Title 18, United States Code, and must terminate upon attainment of the authorized objective or, in any event, at the end of twenty (20) days from the date of this Order, whichever is earlier

PROVIDING ALSO, that interception of wire communications at the above-described premises shall occur only between the hours of 11:00 a.m. and 2:45 p.m., and 4:30 p.m. and 8:15 p.m.

PROVIDING FURTHER THAT, MICHAEL D. ABZUG shall provide the Court with a report on the 5th, 10th and 15th day following the date of this Order showing what progress has been made toward achievement of the authorized objective and the need for continuing interception.

WHEREFORE, it is hereby also ordered that Special Agents of the Federal Bureau of Investigation, United States Department of Justice, are authorized, pursuant to application authorized by the Assistant Attorney General of the Tax Division, United States Department of Justice, the Honorable Scott P. Crampton, who has been specially designated by the Attorney General of



the United States, to exercise the power conferred on him by Section 2516 of Title 18, United States Code: to intercept wire communications of RITCHIE (LNU), RICHARD ESPOSITO, KENNY (LNU) (believed to be KENNETH DAVIS), and others as yet unknown concerning the above-described offenses emanating from the two public telephones located on the corner of 81st Street and Lexington Avenue, New York, New York, and bearing the telephone numbers (212)348-9822 (west telephone booth and (212) 831-9709 (east telephone booth). Such interception shall not automatically terminate when the type of communication described above in paragraph (b) has first been obtained but shall continue until communications are intercepted which reveal the manner in which RICHARD ESPOSITO, ARTHUR SONNENSCHNEIN (a/k/a "SUNSHINE"), KENNY (LNU) (believed to be KENNETH DAVIS), DANNY KRAMER, RITCHIE (LNU), and others as yet unknown, participate in the illegal gambling business, the identities and roles of their confederates and their associates in the illegal gambling business, and the places and locations used in furtherance of the gambling business, the amounts of monies wagered, the amounts of monies owed to or by bettors and other participants in the gambling business, the distribution of contraband monies and records obtained by and used in the illegal gambling business, the methods of record-keeping and the meaning thereof, the methods of operation used by the participants in the gambling business and the full nature and scope of the conspiracy involved therein, or for a period of twenty (20) days from the date of this order, whichever is earlier.

IT IS FURTHER ORDERED that the New York Telephone Company, a communication carrier as defined in Section 2510(10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the service that such carrier is according to the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the New York Telephone Company to be compensated for the applicant at the prevailing rates.

PROVIDING THAT, this authorization to intercept wire communications shall be executed as soon as practical after signing of this Order and shall be conducted in such way as to minimize the interception of communications not otherwise subject to interception under Chapter 119 of Title 18, United States Code, and must terminate upon attainment of the authorized objective or, in any event, at the end of twenty (20) days from the date of this Order, whichever is earlier.

PROVIDING ALSO, that interception of wire communications at the above-described premises shall occur only between the hours of 6:00 p.m. and 10:00 p.m.

PROVIDING ALSO, that interception of wire communications emanating from (212) 348-9822 shall only occur when RICHARD ESPOSITO is observed within the west telephone booth on the southeast corner of 81st Street and Lexington Avenue, New York, New York.

PROVIDING ALSO, that interception of wire communications emanating from (212) 831-9709 shall only occur when RICHARD ESPOSITO is observed within



the east telephone booth on the southeast corner of 81st Street and Lexington Avenue, New York, New York.

PROVIDING FURTHER, that MICHAEL D. ABZUG shall provide the Court with a report on the 5th, 10th and 15th day following the date of this Order showing what progress has been made toward achievement of the authorized objective and the need for continuing interception.

Robert L. Carter  
UNITED STATES DISTRICT JUDGE

July 10, 1975

DATE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN THE MATTER OF THE APPLICATION :  
OF THE UNITED STATES FOR AN ORDER : No. M19-97 ( )  
AUTHORIZING THE INTERCEPTION OF :  
WIRE COMMUNICATIONS :  
-----X

APPLICATION

MICHAEL D. ABZUG, An Attorney of the United States  
Department of Justice, being duly sworn, states:

1. He is an "investigative or law enforcement officer  
--- of the United States" within the meaning of Section 2510(7)  
of Title 18, United States Code, that is -- an Attorney authorized  
by law to prosecute or participate in the prosecution of offenses  
enumerated in Section 2516 of Title 18, United States Code.

2. Pursuant to the authority vested in him by Section  
2516 of Title 18, United States Code, the Attorney General of the  
United States, has specially designated the Assistant Attorney  
General in charge of the Tax Division to exercise the power  
conferred on him by Section 2516 of Title 18, United States Code,  
to authorize this application. Under the power delegated to him  
by special designation of the Attorney General, the Assistant  
Attorney General in charge of the Tax Division, the Honorable  
Scott P. Crampton, has authorized this application. Attached to  
this application as Exhibit A are a copy of the Order of the  
Attorney General specially designating the Assistant Attorney  
General of the Tax Division to act in these matters and a copy



of the memorandum of authorization of the Assistant Attorney General in charge of the Tax Division, the Honorable Scott P. Crampton.

3. This application seeks authorization to intercept wire communications of DANNY KRAMER, RITCHIE (LNU), ARTHUR SONNENSCHNEIN (a/k/a "SUNSHINE") RICHARD ESPOSITO, KENNY (LNU) (believed to be KENNETH DAVIS), and others as yet unknown concerning offenses enumerated in Section 2516 of Title 18, United States Code, that is -- the conduct and management of an illegal gambling business in violation of Article 225 of the New York State Penal Law, involving five or more persons, and that has been and remains in substantially continuous operation for a period in excess of thirty (30) days, thereby being in violation of Title 18, United States Code, Section 1955, and a conspiracy to commit such offenses in violation of Title 18, United States Code, Section 371, which have been committed and being committed by RICHARD ESPOSITO, ARTHUR SONNENSCHNEIN (a/k/a "SUNSHINE"), KENNY (LNU) (believed to be KENNETH DAVIS), DANNY KRAMER, RITCHIE (LNU), and others as yet unknown.

4. He has discussed all the circumstances of the above offenses with Special Agent William Bradbury, Jr., of the New York Office of the Federal Bureau of Investigation and

Directed and conducted the investigation herein, and has examined the affidavit of Special Agent William Bradbury, Jr., (attached to this application as Exhibit B and incorporated by reference herein) which alleges the facts therein in order to show that:

(a) there is probable cause to believe that RICHARD ESPOSITO, ARTHUR SONNENSCHN (a/k/a "SUNSHINE"), KENNY (LNU) (believed to be KENNETH DAVIS,) DANNY KRAMER, RITCHIE (LNU), and others as yet unknown have committed and are committing offenses involving wire communications to conduct an illegal gambling business in violation of Article 225 of the New York State Penal Law, involving five or more persons, and has been and remains in substantially continuous operation for a period in excess of thirty (30) days, thereby being in violation of Title 18, United States Code, Section 1955; and a conspiracy to commit such offenses in violation of Title 18, United States Code, Section 371.

(b) there is probable cause to believe that particular wire communications of ARTHUR SONNENSCHN (a/k/a "SUNSHINE"), DANNY KRAMER, RITCHIE (LNU), KENNY (LNU) (believed to be KENNETH DAVIS), RICHARD ESPOSITO, and others as yet unknown concerning these offenses will be obtained through the interception



authorization for which is herewith applied for.

In particular, these wire communications will reveal the identities and roles of all participants in the illegal gambling business, the amounts of monies wagered, the amounts of monies owed to or by bettors and other participants in the gambling business, the distribution of contraband monies and records obtained by and used in the illegal gambling business, methods of record-keeping and the meaning thereof, the methods of operation used by participants in the gambling business and the full nature and scope of the conspiracy involved therein. In addition, the communications are expected to constitute admissible evidence of the offenses.

(c) the attached affidavit contains a full and complete statement explaining why normal investigative procedures either have been tried and have failed or reasonably appear unlikely to succeed if tried.

(d) there is probable cause to believe that the telephones subscribed to by Jose A. Feliciano and located in the premises of 251 E. 123rd Street, New York, New York, and bearing telephone numbers (212) 289-2579 and (212) 289-2547 have been and are being used and will continue to be used by DANNY KRAMER, ARTHUR SONNENSCHEIN (a.k/a "SUNSHINE"),

RITCHIE (LNU), RICHARD ESPOSITO, KENNY (LNU), and others as yet unknown in the commission of the above-described offenses.

(e) there is probable cause to believe that the telephones subscribed to by Donald Walker and located in the premises of 343 E. 30th Street, Apartment 3J, New York, New York, and bearing the telephone numbers (212) 686-2138 and (212) 686-2299 have been used and are being used and will continue to be used by DANNY KRAMER, RICHARD ESPOSITO, KENNY (LNU) (believed to be KENNETH DAVIS), RITCHIE (LNU), and others as yet unknown in the commission of the above-described offenses.

(f) there is probable cause to believe that the two public telephones on the southeast corner of 81st Street and Lexington Avenue, New York, New York, and bearing the numbers (212) 348-9822 (west telephone booth) and (212) 831-9709 (east telephone booth) have been used and are being used and will continue to be used by RICHARD ESPOSITO, KENNY (LNU) (believed to be KENNETH DAVIS), RITCHIE (LNU), and others as yet unknown in the commission of the above-described offense.



5. No previous applications are known to have been made to any Judge for authorization to intercept or for approval of interception of, wire communications involving any of the persons specified herein except as set forth below:

(a) On June 11, 1975, the Honorable Edmund L. Palmieri signed an Order authorizing the interception of wire communications of DANNY KRAMER, RITCHIE (LNU), ARTHUR SONNENSCHN (a/k/a "SUNSHINE"), and others as yet unknown concerning offenses involving conducting an illegal gambling business involving five or more persons which was in substantially continuous operation for a period in excess of thirty (30) days, in violation of Title 18, United States Code, Section 1955, and conspiring to do so in violation of Title 18, United States Code, Section 371. The interception was ordered to terminate upon the attainment of the authorized objective or twenty days from the date of the Order whichever was earlier.

WHEREFORE, your affiant believes that probable cause exists to believe that the conduct and management of an illegal gambling business in violation of Article 225 of the New York State Penal Law, involving five or more persons, and that has been and remains in substantially continuous operation for a period in excess of thirty (30) days, thereby being in violation of Title 18, United States Code, Section 1955, and a conspiracy to commit such offenses in violation of Title 18, United States Code, Section 371, have been committed and are being committed by RICHARD ESPOSITO, ARTHUR SONNENSCHN (a/k/a "SUNSHINE"),

KENNY (LNU) (believed to be KENNETH DAVIS), DANNY KRAMER, RITCHIE (LNU), and others as yet unknown; that DANNY KRAMER, ARTHUR SONNENSCHNEN (a/k/a "SUNSHINE"), KENNY (LNU) (believed to be KENNETH DAVIS), RITCHIE (LNU), RICHARD ESPOSITO, and others as yet unknown, have used and are using and will continue to use the telephones subscribed to by Jose A. Feliciano which are located in the premises at 251 E.

23rd Street, New York, New York, and which bear the telephone numbers (212) 284-2579 and (212) 289-2547, in connection with the commission of the above-described offenses; that wire communications of DANNY KRAMER, RICHARD ESPOSITO, ARTHUR SONNENSCHNEN (a/k/a "SUNSHINE"), KENNY (LNU) (believed to be KENNETH DAVIS), RITCHIE (LNU), and others as yet unknown concerning these offenses will be intercepted to and from the above-described telephone numbers; and that normal investigative procedures appear unlikely to succeed; that DANNY KRAMER, RITCHIE (LNU), RICHARD ESPOSITO, KENNY (LNU) (believed to be Kenneth Davis), and others as yet unknown, have used and are using and will continue to use the telephones subscribed to by Donald Walker which are located in the premises at 343 E. 30th Street, Apartment 3J, New York, New York, and bearing the telephone numbers (212) 686-2138 and (212) 686-2299, in connection with the commission of the above-described offenses that wire communications of DANNY KRAMER, RITCHIE (LNU), RICHARD ESPOSITO, KENNY (LNU) (believed to be KENNETH DAVIS), and others as yet unknown concerning these offenses will be intercepted to and from the above-described telephone numbers; and that normal investigative procedures appear unlikely to succeed: that RITCHIE (LNU) KENNY (LNU) (believed to be KENNETH DAVIS), and RICHARD ESPOSITO, and others as yet



public telephones located on the southeast corner of 81st Street and Lexington Avenue, New York, New York, and bearing the telephone numbers (212) 348-8722 (west telephone booth) and (212) 831-9709 (east telephone booth) in connection with the commission of the above-described offenses; that wire communications of RITCHIE (LNU), KENNY (LNU) (believed to be KENNETH DAVIS), and RICHARD ESPOSITO, and others as yet unknown concerning these offenses will be intercepted to and from the above-described telephone numbers; and that normal investigative procedures appear unlikely to succeed.

On the basis of the allegations contained in this application, and on the basis of the affidavit of Special Agent William Bradbury, attached hereto, affiant requests this Court to issue an order, pursuant to the power conferred on it by Section 2518 of Title 18, United States Code, authorizing the Federal Bureau of Investigation of the United States Department of Justice to intercept wire communications emanating from the above-described premises until communications are intercepted which reveal the manner in which RICHARD ESPOSITO, ARTHUR SONNENSCHN (a/k/a "SUNSHINE"), KENNY (LNU) (believed to be KENNETH DAVIS), DANNY KRAMER, RITCHIE (LNU), and others as yet unknown participate in the illegal gambling business, the identities and roles of their confederates and their associates in the illegal gambling business, and the places and locations used in furtherance of the gambling business, the amounts of monies wagered, the amounts of monies owed to or by bettors and other participants in the gambling business, the distribution of



contraband monies and records obtained by and used in the illegal gambling business, the methods of record-keeping and the meaning thereof, the methods of operation used by the participants in the gambling business and the full nature and scope of the conspiracy involved therein, or for a period of twenty (20) days from the date of this order, whichever is earlier.

It is further requested that this Court issue an order pursuant to the power conferred on it by Section 2518(4)(c) of Title 18, United States Code, directing that the New York Telephone Company, a communication common carrier as defined in Section 2510(10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier is according to the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the New York Telephone Company to be compensated for by the applicant at the prevailing rates.

Although the usual minimization procedures requiring the termination of any interceptions of conversations not involving these offenses will apply to interceptions from these premises, I propose that: interception of communications from and to the above-described premises at 251 E. 123rd Street, New York, New York and 343 E. 30th Street, New York, New York, shall



occur only between the hours of 11:00 a.m. and 2:45 p.m. and 4:30 p.m. and 8:15 p.m.; I further propose that interception of wire communications from and to the two public telephones located on the southeast corner of 81st Street and Lexington Avenue, New York, New York shall occur only during the hours of 6:00 p.m. and 10:00 p.m. and that wire communications to and from 212-348-9822 shall only occur when RICHARD ESPOSITO is observed in the west telephone booth and that wire communications to and from 212-831-9709 shall only occur when RICHARD ESPOSITO is observed in the east telephone booth.

MICHAEL D. ABZUG

Subscribed and sworn to before me  
this            day of            1975

UNITED STATES DISTRICT JUDGE

# Memorandum

TO : Acting Assistant Attorney General  
Criminal Division

DATE: JUL 7 1975

FROM : Assistant Attorney General  
Tax Division

SUBJECT: Authorization for Interception Order Application

This is with regard to your recommendation that I authorize an application to a Federal Judge of competent jurisdiction for an order under Title 18, United States Code, Section 2518, authorizing the interception of wire communications for a twenty (20) day period to and from the telephones bearing numbers 212-269-2579 and 212-269-2547, subscribed to by Jose A. Felliciano and located at 251 East 123rd Street, Apartment 30, New York, New York; 212-686-2138 and 212-686-2299, subscribed to by Donald Walker and located at 343 East 30th Street, Apartment 33, New York, New York; and 212-348-9822 and 212-831-9709, which are two public pay telephones on the southeast corner of 81st Street and Lexington Avenue, New York, New York, in connection with the investigation into possible violations of Title 18, United States Code, Sections 371 and 1955, by Richard Esposito; Arthur Sommerschein; Danny Kravetz; Ritchie (last name unknown); Korny (last name unknown), believed to be Kenneth Davis, and others as yet unknown.

By virtue of the authority vested in him by Section 2516 of Title 18, United States Code, the Attorney General of the United States, the Honorable Edward H. Levi, by Order Number 597-75, dated February 12, 1975, specially designated me to authorize applications for court orders authorizing the interception of wire or oral communications. Accordingly, under the power delegated to me by the special designation of the Attorney General, I hereby authorize the above-described application to be made by any investigative or law enforcement officer of the United States as defined in Section 2510(7) of Title 18, United States Code.

*Scott F. Crumbton*  
SCOTT F. CRUMBTON  
Assistant Attorney General  
Tax Division

*July 7 1975*  
Date



January 12, 1975

SPECIAL DESIGNATION OF ASSISTANT ATTORNEY GENERAL  
IN CHARGE OF THE TAX DIVISION  
TO AUTHORIZE APPLICATIONS FOR COURT ORDERS AUTHORIZING  
INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS

Order No. 597-75

By virtue of the authority vested in me by 28 U.S.C. 509, 510, 5 U.S.C. 301, and 18 U.S.C. 2516, I hereby specially designate the Assistant Attorney General in charge of the Tax Division to exercise the power conferred by Section 2516 of Title 18, United States Code, to authorize applications to a Federal judge of competent jurisdiction for orders authorizing the interception of wire or oral communications by the Federal Bureau of Investigation or a Federal agency having responsibility for the investigation of the offense as to which such application is made, when such interception may provide evidence of any of the offenses specified in Section 2516 of Title 18, United States Code.

Order No. 594-75 of February 4, 1975, captioned as above, is superseded.

*Edward H. Levi*  
Edward H. Levi  
Attorney General



WASHINGTON, D.C. 20530

Address Reply to the  
Division Indicated  
and Refer to Initial and Number

JUL 8 1975

Mr. William I. Aronwald  
Attorney-in-Charge  
New York Strike Force  
New York, New York

Dear Mr. Aronwald:

This is to advise you that pursuant to the power delegated to him by special designation by the Attorney General under the authority vested by Section 2516 of Title 18, United States Code, the Assistant Attorney General of the Tax Division has authorized an application to be made to a Federal judge of competent jurisdiction for an order under Section 2518 of Title 18, United States Code, authorizing the interception of wire communications for a twenty (20) day period to and from the telephones bearing numbers 212-289-2579 and 212-289-2547, subscribed to by Jose A. Pellicano and located at 251 East 123rd Street, Apartment 3C, New York, New York; 212-686-2138 and 212-686-2299, subscribed to by Donald Walker and located at 343 East 30th Street, Apartment 3J, New York, New York; and 212-348-9822 and 212-831-9709, which are two public pay telephones on the southeast corner of 81st Street and Lexington Avenue, New York, New York, in connection with the investigation into possible violations of Title 18, United States Code, Sections 371 and 1955, by Richard Esposito; Arthur Sonnenschein; Danny Kramer; Ritchie (last name unknown); Benny (last name unknown), believed to be Kenneth Davis, and others as yet unknown. A copy of the Attorney General's order specially designating the Assistant Attorney General in charge of the Tax Division to authorize applications for interception orders of this nature and a copy of the Assistant Attorney General's memorandum of authorization are attached hereto.

Accordingly, you or any other attorney on your staff who is an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, are authorized to make the above-described application.



- 2 -

In supervising the interception under this authorization, care should be exercised to avoid intercepting any communication of a person under criminal charges which pertains to his culpability in relation to the charges or the strategy which he contemplates employing in his defense. If such a communication is inadvertently overheard, a notation of the incident should be made in the intercept log, and an immediate report made to you in your capacity as supervising attorney. With regard to the above, it should be noted that Arthur Sonnenschein is currently awaiting sentencing for state gambling violations.

As the telephone lines bearing numbers 212-348-9822 and 212-631-9709 are coin-operated telephones subject to public use, appropriate language has been included in the proposed court order to avoid the interception of communications not subject to interception. The intercepting agents should be informed to familiarize themselves with the limiting language in the court order and to comply carefully with its mandate.

Sincerely,

Richard L. Thornburgh  
~~Assistant~~ Assistant Attorney General  
Criminal Division

By:

*[Signature]*  
~~Chief~~ Chief, Organized Crime  
and Racketeering Section  
Criminal Division

Enclosure



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN THE MATTER OF THE APPLICATION :  
OF THE UNITED STATES FOR AN ORDER : AFFIDAVIT  
AUTHORIZING THE INTERCEPTION OF :  
WIRE COMMUNICATIONS :  
-----X

WILLIAM BRADBURY, JR., Special Agent, Federal Bureau  
of Investigation, New York, New York, being duly sworn, deposes  
and says:

1. I am an "investigative or law enforcement officer...  
of the United States" within the meaning of Section 2510(7) of  
Title 18, United States Code, that is, an officer of the United  
States who is empowered by law to conduct investigations of and  
to make arrests for offenses enumerated in Section 2516 of  
Title 18, United States Code.

2. I make this affidavit in support of an application  
which seeks authorization to intercept wire communications  
concerning offenses involving violations of Article 225 of the  
Penal Laws of the State of New York, and thereby in violation of  
Section 1955 of Title 18, United States Code, and of Section 371  
of Title 18, United States Code, and which offenses have been  
and are being committed by RICHARD ESPOSITO, ARTHUR SONNENSCHIEIN  
(also known as "Sunshine" and "77"), DANNY KRAMER, RITCHIE (LNU),  
KENNY (LNU) (believed to be Kenneth Davis) a white male with  
bushy brown hair and glasses, approximately 26 years of age,



5 feet 10 inches tall, and weighing approximately 170 pounds, and other persons associated with them as yet unidentified as probable communicants.

3. I have supervised the conduct of the investigation of these offenses and as a result of my present participation in this investigation and of reports made to me by Agents under my direction, I am familiar with all the circumstances of these offenses. On the basis of this familiarity, I allege the facts contained in the numbered paragraphs below to show that:

a. There is probable cause for belief that RICHARD ESPOSITO, ARTHUR SONNENSCHNEIN (also known as "Sunshine" and "77"), DANNY KRAMER, RITCHIE (LNU), KENNY (LNU) (believed to be Kenneth Davis) and others as yet unknown, have been and are using wire communications with the intent to carry on the following offenses: the conducting, financing, managing, supervising, directing or owning of all or part of an illegal gambling business in which five or more people are participating and which has been in substantially continuous operation for over thirty (30) days, in violation of Article 225, Sections 225.0 through 225.40 of the New York State Penal Law, and also in violation of Sections 371 and 1955 of Title 18, United States Code.

4. There is probable cause for the belief that particular communications concerning the offenses referred to in paragraph 3 herein will be obtained through interception of wire communications to and from the telephone lines numbered 212-289-2579 and 212-289-2547 and subscribed to by JOSE A. FELICIANO, 251 East 123rd Street, Apartment 3C, New York, New York.



a. There is probable cause for the belief that the telephone lines numbered 212-289-2579 and 212-289-2547 have been used, are being used and will be used by RICHARD ESPOSITO, DANNY KRAMER, RITCHIE (LNU), KENNY (LNU) (believed to be Kenneth Davis), ARTHUR SONNENSCHNEIN (also known as "Sunshine" and "77") and others as yet unidentified as probable communicants in connection with the offenses described in paragraph 3.

5. There is probable cause for the belief that particular communications concerning the offenses referred to in paragraph 3 herein will be obtained through interception of wire communications to and from the telephone lines numbered 212-686-2138 and 212-686-2299 and subscribed to by DONALD WALKER, 343 East 30th Street, Apartment 3J, New York, New York.

a. There is probable cause for the belief that the telephone lines numbered 212-686-2138 and 212-686-2299 have been used, are being used and will be used by DANNY KRAMER, RITCHIE (LNU), RICHARD ESPOSITO, KENNY (LNU) (believed to be Kenneth Davis) and others as yet unidentified as probable communicants in connection with the offenses described in paragraph 3.

6. There is probable cause for the belief that particular communications concerning the offenses referred to in paragraph 3 herein will be obtained through interception of wire communications to and from the telephone lines numbered 348-9822 and 831-9709 located in two public telephone booths on the southeast corner of 81st Street and Lexington Avenue, New York, New York.

a. There is probable cause for the belief that the telephone lines numbered 212-348-9822 and 212-831-9709 have been



used, are being used and will be used by RICHARD ESPOSITO, RITCHIE (LNU), KENNY (LNU) (believed to be Kenneth Davis) and others as yet unknown in connection with the offenses described in paragraph 3.

7. Normal investigative procedures have been tried and reasonably appear unlikely to succeed if tried further.

8. No previous applications are known to have been made to any Judge for authorization to intercept or for interception of wire and oral communications involving any of the persons or places specified herein except the following:

a. On June 11, 1975, Honorable Edward L. Palmieri, United States District Judge, Southern District of New York, signed an Order authorizing the interception of wire communications of DANNY KRAMER, RITCHIE (LNU), ARTHUR SONNENSCHNEIN (also known as "Sunshine") and others as yet unknown concerning the offenses described in paragraph 3 herein to and from the telephones bearing numbers 212-860-0702 and 212-860-0704, subscribed to JOSE RAMON PEREZ, 2433 Second Avenue, New York, New York, for twenty days from the date of the Order or until the objective of the authorized objective of the order was attained, whichever was earlier.

9. The facts alleged in my affidavit of June 11, 1975,



are incorporated herein by this reference and a copy of the said affidavit submitted to the Honorable Edward L. Palmieri on June 11, 1975, is annexed as Exhibit A.

10. Hereafter, all telephone numbers bear the 212 area code prefix and all addresses are in New York City, New York, unless otherwise specified.

FACTS ESTABLISHING PROBABLE CAUSE FOR THE BELIEF THAT 289-2579 AND 289-2547 HAVE BEEN USED, ARE BEING USED AND WILL BE USED BY RICHARD ESPOSITO, ARTHUR SONNENSCHNEIN (also known as "Sunshine" and "77"), DANNY KRAMER, RITCHIE (LNU) AND KENNY (LNU) (BELIEVED TO BE KENNETH DAVIS) IN CONNECTION WITH THE OFFENSES DESCRIBED IN PARAGRAPH 3.

11. From June 11, 1975 through June 15, 1975, approximately seven hundred and twenty (720) telephone communications pertaining to gambling were intercepted to and from the telephones numbered 860-0702 and 860-0704. During these aforementioned telephone conversations approximately \$477,000 was wagered on various baseball and horse racing sporting events. Approximately \$95,000 was wagered each day between the approximate hours of 11:00 a.m. and 2:45 p.m. and 4:30 p.m. and 8:15 p.m. RITCHIE (LNU), RICHARD ESPOSITO, and DANNY KRAMER were identified as persons utilizing 860-0702 and 860-0704 in connection with the offenses described in paragraph 3 herein. RITCHIE was identified by name identification and surveillances at 2433 Second Avenue and the corner of 81st Street and Lexington Avenue. DANNY KRAMER was identified by name identification and informant information



12. From June 11, 1975 to June 15, 1975, your affiant, together with other Special Agents of the Federal Bureau of Investigation, has engaged in periodic surveillance of the building located at 2433 Second Avenue to conform interceptions of wire communications to and from 860-0704 and 860-0702 with the restrictions set forth in Judge Palmieri's Order of June 11, 1975.

a. On June 11, 1975, Special Agents of the Federal Bureau of Investigation observed RITCHIE (LNU) enter the building located at 2433 Second Avenue at 11:17 a.m. and exit at 2:27 p.m. Later that evening he was observed to re-enter the building at 4:55 p.m. and exit at 8:01 p.m.

b. On June 12, 1975, Special Agents of the Federal Bureau of Investigation observed RICHARD ESPOSITO enter the aforementioned building at 5:09 p.m. During that same evening, RITCHIE (LNU) was observed to enter at 4:40 p.m. and exit at 8:05 p.m.

c. On June 13, 1975, Special Agents of the Federal Bureau of Investigation observed RICHARD ESPOSITO enter the aforementioned building at 11:47 a.m. and again at 5:31 p.m. During the same morning, RITCHIE (LNU) was observed to enter the building at 11:28 a.m. and exit at 2:04 p.m. RITCHIE (LNU) was observed re-entering the building at 4:30 p.m. and was not observed to exit before interception was terminated for that day.



d. On June 14, 1975, Special Agents of the Federal Bureau of Investigation observed RICHARD ESPOSITO enter the building at 11:15 a.m., 3:46 p.m. and at 5:32 p.m. RITCHIE (LNU) was observed entering at 11:00 a.m. and exiting at 2:45 p.m. RITCHIE (LNU) re-entered at 4:51 p.m. and exited at 7:47 p.m.

e. On June 15, 1975, Special Agents of the Federal Bureau of Investigation observed RICHARD ESPOSITO enter the building at 1:58 p.m. RITCHIE (LNU) was observed entering the building at 11:15 a.m. and exiting at 2:26 p.m.

13. On June 11, 1975, at approximately 1:15 p.m., an incoming telephone call to 860-0702 was intercepted pursuant to the order of Judge Palmieri. This call was monitored by Special Agent James C. Beane. The following is an excerpt of that conversation. This excerpt is substantially verbatim but is not to be considered as exact. Symbols used in the transcription are as follows: RITCHIE (LNU) - R; DANNY KRAMER - D; Inaudible (IA); (PHONE) - overheard conversation with individual who was not a party to the telephone conversation.

R: Hello, hold on please, hello.

D: EDDIE (PHONE) take this down.

R: (IA) What, what's this for?

D: (IA)

R: What, what's this, to DANNY?

D: Yeah.

R: Who, who's this kid George calling up for, the



horses?

75A

- D: He's all right.
- R: Yeah, yeah, don't you understand, the, the boss is here. He's gettin pissed off about it. I don't give a fuck. I couldn't give it to him twice.
- D: (IA)
- R: Because uh, huh?
- D: (IA)
- R: He's been tryin to get a hold on ya. So I said call back. He'll think he was here twi. You know, because you know.
- D: (IA)
- R: This is DANNY. Whatta ya got? Ya got Jogging?
- D: Three and three.
- R: Right, three win, three place.
- D: And then, then, then, then Jogging (PHONE) and a No No.
- R: Jogging and, and No No right?
- D: Half a dollar reverse.
- R: Half a dollar reverse, exacta?
- D: Right.
- R: Yeah.
- D: And uh, what the hell else did he want?
- R: What am I gonna do. This. I can't. I give you, like a nickel on your sheet.
- D: (IA) at 55?
- R: Seventy-seven uh, at minus 55 you know (PHONE).
- D: I figure they do it Harris for the house (IA).



R: I'm movin all a Harris' work out. It's not even.  
It's Harris for Rich now.

D: Uh.

R: He came in for Rich.

D: Leave me go.

R: O.K. Buddy.

D: All right, kid.

R: You got it.

D: Thank you.

14. On June 14, 1975, at approximately 5:36 p.m., an incoming telephone call to 860-0704 was intercepted pursuant to the Order of Judge Palmieri. This call was monitored by Special Agent Martin Builder. The following is an excerpt of that conversation. This excerpt is substantially verbatim but is not be considered as exact. Symbols used in the transcription of this conversation are as follows: RICHARD ESPOSITO - DE; DANNY KRAMER - D; RITCHIE (LNU) - R; INAUDIBLE (IA); (PHONE) - Overheard conversation with individual who was not a party to the telephone conversation.

R: Hello.

D: Yeah, what's up.

R: Just tryin to get ya.

D: Why?

R: I was just talkin to the guy, you that, ah, you know lay off the stuff to.

D: Yeah.

R: He's met with Dickie this afternoon.

D: Yeah.

R: He's givin it all back to him. He don't want it.



D: Why?

R: Cuz the guy don't want it. It's too much. He's losin his own customers. People can't get in. The guy can't handle it. I don't think it's cuz of money. He just can't handle all the work. He needs two offices, you know.

D: What's Dickie gonna do?

R: He doesn't, I don't know. Dickie doesn't know that I know. You know what I'm sayin. The guy says I just told him Monday he's goin back to him. But don't say nothin I told you the guy says to me, you know. He'll tell ya. Don't you say nothin neither.

D: Big inside information.

R: Huh?

D: Big inside information.

R: Uh, it's the guy that's handlin it. It's gotta be inside information. No?

D: Sure. All right, let me see what I got here. What is...

R: Hold on a minute.

DE: (IA)

R: Who's that CHARLEY?

DE: (PHONE) (IA)

R: (IA) another bettor for Charley. I just crossed Charley's bet off. That happened three times this week, you know. The third time. The third time in three days. Three times this week. (IA) might not even said that's the kid. Cuz the kid wanted to know who Charley (IA) the game. He even bet Detroit in the game. The kid Danny (IA) When I got there at night, he washed it off.



DE: (PHONE) (IA) win. (IA) win. (IA) afraid of what?

DE & R: (PHONE) (IA)

DE: (PHONE) He called this morning. Did I tell you?

R: (IA)

DE: (PHONE) They put the guy on for four dimes. I said well (IA) four dimes, is it okay with you? I said you're the guy that runs the sheet. I said if you wanna bet four dimes, is that all right? It doesn't matter to me (IA).

R: (IA)

DE: (PHONE) Yeah but see like he's the guy in the office. (IA) the sheet. (IA) he called me earlier. Cuz (IA) there, you know. (IA) the guy in the office (IA) the player. (IA).

R: (IA)

DE: (PHONE) That's what I'm sayin (IA). I said (IA). They said that (IA) got no time, that means they gotta open up all the time. Not just when you need it, you know.

R: (IA)

DE: (PHONE) Right, right. No fuckin balls. (IA) That's the only one that didn't win. (IA) twenty dollars.

R: Right.

DE: (PHONE) Grimsley, Walker, (IA) called me up to give me a fresh hand.

R: (IA)

DE: (PHONE) He (IA) me. This fuckin (IA). How do they do it? What's this guy (IA)?

R: (IA)

DE: (PHONE) (IA) left the other (IA). This guy here (IA) keep one sheet (IA) sheet. (IA).

(IA) on the phone here. Hello.

D: Yeah, who you just talkin to?

R: DICKIE that's who. Findin out a little information.



- D: (IA) about me to the kid.
- R: No I told the kid. I said you, you want to know CHARLEY's plays, I gave them to ya.
- D: Yeah.
- R: And then when I went over your house, I said the last minute you was cussin mad because Charley went off Detroit but you kept it anyway.
- D: Oh cuz I, you told him what I played.
- R: Yeah. Hello. Yeah Grapes.
- D: (Laughter).
- R: Huh, Hold on.
- D: Grapes?
- R: That's a good question. Well try it now. See if somebody's there. Okay? All right Grapes. And then (IA) get in touch with the lovely Danny, the queer kid. You know the kid's that gay. Huh? When is it? When we're not here. Is it true that Danny's gay, ah, Grapes?
- D: Hey!
- R: That Danny, is he gay? I don't know. I wanna know Danny, Grapes.
- D: He, he'll take you seriously.
- R: You thought about it Grapes?
- D: Op!
- R: I got him on the other phone so I'm bustin his balls. You, you think he is, huh?
- D: You tell him, you tell him I'm...
- R: You touch his, you said, you touch his knee a lot, he says, Danny.
- D: (Laughter).
- R: Okay Grapes. If he fucks around with you Grapes, let me know.



D: (Laughter)  
R: So long.  
D: (Laughter)  
R: Nah, he says nah.  
D: Nah.  
R: (Laughter).  
D: (IA) Grapes, he's such a faggot.  
R: (Laughter).  
D: Fuckin eccentric prick.  
R: (Laughter).  
D: Lemme hear, what are you usin Hooten and Jones?  
R: Fuck the thing. We got, you get in touch with KENNY now. He'll be here tomorrow. He's gonna start next week again.  
D: Where? Oh yeah, okay.  
R: Oh, that'll be beautiful again. I'll be happy.  
D: You'll like it that way better.  
R: Oh, it's a thousand percent Danny.

15. Based upon the information furnished to your affiant on April 29, 1975, by reliable confidential informants referred to in Exhibit A as Mr. A and Mr. C (see paragraphs 32 and 33, infra) and a comparison of the voices of the individual identified as DANNY in conversations intercepted on June 11, 1975 at 1:15 p.m. and 5:50 p.m., on June 12, 1975, at 5:17 p.m. and June 14, 1974, at 5:36 p.m., your affiant believes that DANNY is DANNY KRAMER.



16. On June 14, 1975, surveillance conducted by Special Agents of the Federal Bureau of Investigation in the vicinity of suspected wireroom at 2433 Second Avenue revealed that a brown Toyota, New York license number 608 QHU, was parked directly in front of the automobile which has been driven in the past by RITCHIE (LNU) (a green Capri, New Jersey license number 606 CBS; (see page 9 of Exhibit A) at 11:59 a.m. These automobiles were parked on East 125th Street near the suspected wireroom at 2433 Second Avenue.

17. On June 15, 1975, surveillance conducted by Special Agents of the Federal Bureau of Investigation observed a white male, 5 feet 10 inches tall, approximately 175 pounds, approximately 26 years of age, with bushy brown hair and glasses, driving a brown Toyota, New York license number 608 QHU. At 11:31 a.m. this unknown white male was observed entering the suspected wireroom at 2433 Second Avenue.

18. On June 16, 1975, surveillance conducted by Special Agents of the Federal Bureau of Investigation revealed that the unknown white male described in paragraph 16, supra, exited the suspected wireroom at 2433 Second Avenue at 2:11 p.m.

19. An examination of the records of the New York Department of Motor Vehicles by a Special Agent of the Federal Bureau of Investigation within the past two weeks revealed that New York license number 608 QHU is the license number to a 1973 two-door brown Toyota registered to Kenneth Davis, 1168 Grant Avenue, Bronx, New York.

20. On June 26, 1975, Mr. A furnished special agents of the FBI with the following information:



a. Mr. A advised that on June 26, 1975, at approximately 6:10 p.m. he called 289-2579 and spoke to an individual who identified himself as Kenny. Mr. A and Kenny had a conversation in which they spoke in general terms about the Dixon operation. Kenny then furnished Mr. A with pay and collect figures for bettors in the Dixon operation.

b. At approximately 5:56 p.m. on June 26, 1975, a special agent of the FBI observed the brown Toyota, New York license number CHU, registered to Kenneth Davis, parked on the north side of 125th Street, between 1st and 2nd Avenue. At the same time and vicinity, he observed a green Capri, New Jersey license number 606 CBS, which has been driven in the past by Ritchie (LNU). It should be noted that the location of these two parked vehicles is approximately two blocks from the suspected wireroom located at 251 East 123rd Street, New York, New York.

21. The following are all excerpts of conversations intercepted over the telephone numbers 860-0702 and 860-0704 pursuant to the Order of Judge Palmieri. All excerpted conversations are substantially verbatim but are not to be considered as exact. The symbols used in the transcription are as follows: UNIDENTIFIED MALE - UM; RITCHIE (LNU) - R; CODE NAME BROOKLYN - B.

a. On June 13, 1975, at approximately 1:43 p.m., the following incoming telephone call to 860-0702 was intercepted:

R: I'll be here till Monday and I'll give you the new number then.



UM: What!

R: I gotta give you the new numbers.

UM: When are you moving?

R: Probably Sunday or Monday.

UM: Ah, you got the new numbers yet?

R: No, I don't have em.

UM: All right...give me a ring.

R: I got em, but do you know how to decipher them?

UM: The middle two, right?

R: Yeah, I'll give em to you. 289...

UM: Yeah.

R: 2689

UM: Yeah.

R: 2657, 289-2689, 2657

UM: The two middle numbers.

R: Right.

b. On June 14, 1975, at approximately 11:35 am, the following telephone conversation over 860-0704 was intercepted:

R: Take this number down. 534-6004. Call it between now and two and you get the new numbers for next week.

UM: Right.

R: Okay.

c. On June 15, 1975, at approximately 2:01 pm, the following telephone conversation on 860-0702 was intercepted:

R: Call this number 534-6004, call it right now and you'll get the new numbers for tomorrow and you call up at 5 o'clock and you'll have a check out tomorrow.



B: Yeah, you want me to call that number now.

R: . Call that now, you get the new number so that you make sure you customers have them for tomorrow...you give them to your customers because there are some dummies, you know.

22. On June 14, 1975, at 11:52 am, the affiant, using a pretext, dialed telephone number 534-6004 and was given the new telephone numbers for this operation. The affiant was told that the new numbers for this operation were 289-2579 and 289-2547 and that they would be utilized starting Monday, June 16, 1975. The affiant thus determined that the "code" referred to in paragraph 21 above consists of subtracting one digit from the middle two digits of the last four numbers of the telephone number.

23. On June 14, 1975, an examination of the records of the New York Telephone Company by your affiant revealed that 289-2579 and 289-2574 are subscribed to by Jose A. Feliciano, 251 East 123rd Street, Apartment 3C, New York, New York.

24. On June 16, 1975, during surveillance conducted in the area of 251 East 123rd Street, New York, New York, it was determined by Special Agents of the Federal Bureau of Investigation that 251 East 123rd Street, New York, New York, is a multi-unit dwelling located on the north side of East 123rd Street directly at Second Avenue, New York City, New York, with its entrance located in a small alley between 249 and 251 East 123rd. This location is located approximately two blocks south of the suspected wireroom at 2433 2nd Avenue, New York, New York.



25. On June 16, 1975, Special Agents of the Federal Bureau of Investigation conducted a surveillance in the area of both 2433 Second Avenue and 251 East 123rd Street, New York, New York. At 10:22 a.m., RITCHIE (LNU) was observed entering 2433 Second Avenue. At 10:27 a.m., RICHARD ESPOSITO was observed entering 2433 Second Avenue. At 10:32 a.m. RITCHIE (LNU) was observed exiting 2433 Second Avenue carrying a black plastic bag and a brown shopping bag. He was observed placing the brown shopping bag into a green Capri, New Jersey license 606 CBS. RITCHIE (LNU) then got into the car and drove it to the front of the R.S. Esposito Stationery Store at 2419 Second Avenue. RITCHIE (LNU) got out of the car and entered the R.S. Esposito Stationery Store. At 10:35 a.m., RICHARD ESPOSITO was observed exiting 2433 Second Avenue and entering the R.S. Esposito Stationery Store at 2419 Second Avenue. At 10:46 a.m., RITCHIE (LNU) was observed exiting the stationery store, getting into his car, driving south on Second Avenue to East 123rd Street, turning west, and parking in front of 251 East 123rd Street. RITCHIE (LNU) was then observed meeting KENNY (LNU) (see para. 17, supra) and entering 251 East 123rd Street.

26. On June 16, 1975, Special Agents of the Federal Bureau of Investigation conducted a surveillance in the area of 251 East 123rd Street and observed RITCHIE (LNU) enter 251 East 123rd Street at 4:58 p.m. and observed KENNY (LNU) enter 251 East 123rd Street at 5:20 p.m.

27. On June 17, 1975, Special Agents of the Federal Bureau of Investigation conducted a surveillance in the area of 251 East 123rd Street and observed KENNY (LNU) enter that address at 10:58 a.m.



and observed RITCHIE (LNU) exit 251 East 123rd Street at 2:05 p.m. At 4:43 p.m., June 17, 1975, RITCHIE (LNU) was observed entering 251 East 123rd Street. At 5:07 p.m. KENNY (LNU) was observed entering that address.

28. Except as otherwise indicated herein, all information related by the confidential informants in this affidavit has been related verbally to Special Agents of the Federal Bureau of Investigation and the said information thereafter was verbally communicated to affiant by the Special Agents.

29. A confidential informant, hereinafter referred to as Mr. A, is the same individual whose reliability and information is set forth in paragraph 8 of Exhibit A.

a. On June 17, 1975, Mr. A furnished the following information: Mr. A said that within the past week he was told by a better in the Dixon Operation that beginning on Monday, June 16, 1975, the Dixon Operation would be using new telephone numbers to accept wagers on horse and baseball events and to furnish line information and won-loss figures. Mr. A said that this better told him that these new numbers would be 289-2579 and 289-2547. Mr. A said that on Monday, June 16, 1975, he called 289-2579 and spoke to RITCHIE (LNU) who gave him gambling information. On Tuesday, June 17, 1975, Mr. A called 289-2547 and received gambling information. On Tuesday, June 17, 1975, Mr. A called 289-2547 and received gambling information from an individual with a high pitched voice. Mr. A also said that on June 17, 1975, ARTHUR SONNENSCHNEIN told him that SONNENSCHNEIN's new code name as a runner in the Dixon Operation would be "77".

30. The wire communications set forth in paragraphs 38 and 43 herein are incorporated by reference to support probable cause for the belief that the telephone lines numbered 212-289-2579 and 212-289-2547 have been used, are being used, and will be used by ARTHUR SONNENSCHNEIN (also known as "Sunshine" and "77"), RICHARD



ESPOSITO, RITCHIE (LNU), KENNY (LNU), (believed to be Kenneth Davis), DANNY KRAMER, and others as yet unknown in connection with the offense described in paragraph 3, supra.

FACTS ESTABLISHING PROBABLE CAUSE FOR THE BELIEF THAT DANNY KRAMER, KENNY (LNU), RITCHIE (LNU), RICHARD ESPOSITO, AND OTHERS AS YET UNKNOWN HAVE BEEN USING, ARE USING AND WILL BE USING 686-2299 AND 686-2138 IN CONNECTION WITH THE OFFENSES DESCRIBED IN PARAGRAPH 3, SUPRA

31. Except as otherwise indicated herein, all information related by the confidential informants in this affidavit has been related verbally to Special Agents of the Federal Bureau of Investigation and the said information thereafter was verbally communicated to affiant by the Special Agents.

32. The first confidential informant, hereinafter referred to as Mr. C, is the same individual whose information and reliability are set forth in paragraph 11 of my affidavit of June 11, 1975, attached as Exhibit A.

a. On April 29, 1975, Mr. C furnished the following information:

Mr. C said that DANNY KRAMER told him within the past week that he was a clerk with RITCHIE (LNU) in the operation and that he (DANNY KRAMER) could be reached at 686-2299.

b. On June 16, 1975, Mr. C furnished the following information: Mr. C said that DANNY KRAMER told him on June 16, 1975, that he is accepting wagers on horse racing and baseball sporting events at 686-2299 and 686-2138.

33. The second confidential informant, hereinafter referred to as Mr. A, is the same individual whose information and reliability are



set forth in paragraph 8 of my affidavit of June 11, 1975, attached as Exhibit A.

X a. On June 17, 1975, Mr. A furnished the following information: Mr. A said that ARTHUR SONNENSCHNEIN told him within the past week that DANNY KRAMER said he is now accepting wagers on horse racing and baseball from RICHARD ESPOSITO as well as accepting wagers from other bettors on horse racing and baseball for the Dixon Operation.

34. On June 14, 1975, an examination of the records of the New York Telephone Company by your affiant revealed that 686-2299 and 686-2138 are subscribed to by DONALD WALKER, 343 East 30th Street, Apartment 3J, New York, New York.

35. From June 11, 1975 up to and including June 15, 1975, interception of wire communications from 860-0702 and 860-0704 pursuant to Judge Palmieri's June 11, 1975 order revealed that telephone number 686-2138 was called approximately seven times and telephone number 686-2299 was called approximately eighteen times from the aforementioned telephone numbers.

36. On June 14, 1975, the following telephone numbers were dialed from 860-0702:

a. 5:22 p.m. - 686-2299 - busy  
5:25 p.m. - 686-2299 - busy  
5:25 p.m. - 686-2138 - busy  
5:25 p.m. - 686-2138 - busy  
5:31 p.m. - 686-2299 - busy  
5:31 p.m. - 686-2138 - busy  
5:34 p.m. - 686-2299 - busy  
5:34 p.m. - 686-2138 - busy  
5:48 p.m. - 686-2299 - busy  
6:21 p.m. - 686-2138 - busy

37. On June 15, 1975, the following telephone numbers were dialed from 0702:



a. 12:55 p.m. - 686-2299 - busy  
 12:56 p.m. - 686-2138 - busy  
 12:57 p.m. - 686-2299 - busy  
 12:57 p.m. - 686-2138 - busy

38. The following are all excerpts of conversations intercepted from 860-0702 and 860-0704 to 686-2299 pursuant to the Order of Judge Palmieri. All excerpted conversations are substantially verbatim but are not to be considered exact. Symbols used in the transcription of these conversations are as follows: RITCHIE (LNU) - R; DANNY KRAMER - D; INAUDIBLE (IA).

a. On June 11, 1975, at approximately 5:50 p.m., the following outgoing conversation was intercepted from 860-0702 to 686-2299:

R: Hello.

D: Listen (IA) that Atlantic City piece. Did you bet it?

R: No.

D: It paid 12 and change.

R: Ah good.

D: Huh.

R: I didn't fucking bet it. Son of a bitch.

D: (IA) horse whats the matter with you.

R: Well it was a quarter after.

D: That a pass a glance son.

R: Pass a Glance (PHONE)?

D: Yeah, yeah, no, no, no  
 Jogging and Chilean Chief (PHONE), half a dollar reverse.

R: Chilean Chief (PHONE) fifth reverse exacta.

D: All right, then we got the A Glance (PHONE) three and three, exact (PHONE) eighth bet B (PHONE).

R: Pass Glance (PHONE), right?



D: And then Petals and Lace (PHONE).

R: Petals and Lace (PHONE). That's the seventh at A-C. Three and three.

D: Then would you put down my two win and two place parlay for Jogging and Pass A Glance (PHONE).

R: That's the seventh at Bell, eighth at Bell, you gotta two win, two place parlay?

D: Yeah.

R: What else, Buddy?

D: That's it. Do you have any room for Rau 55, for me?

R: Cer-Rau 55, how man-, how much you want?

D: Uh nickel and a dime.

R: Uh, I don't know, Jesus Christ, I don't know. Uh, let me look over here, this fuckin guy. This is a pain in the fuckin ass. You don't know. These guys. What fuckin meanin motherfuckers.

D: They are?

R: Did you go into the office yet?

D: Yeah.

R: Are they slower than shit?

D: They're slow. They're horrible.

R: Huh?

D: They're hor-, they're bad.

R: Why are they bad? Somebody. I got four, three people called up. You're the fourth.

D: Yeah.

R: That says they're fuckin bad. Slower than shit.

D: They're slow. They don't know what they're doin. They gotta get experience.

R: Rau, twenty dollars. L.A. fourteen dollars. L.A. fifteen dollars. That's all minus 55. I can't do it.

D: You can't do it, o.k.



R: Yeah what did he pay, nothing.  
D: I don't know what he paid no.  
R: (IA)  
D: Didn't hear it. I didn't get a call with that jogging so.  
R: No.  
D: You don't Jesus Christ, he had that that no, no paid 16 and change you know.  
R: I know (IA).  
D: Um (IA) well he he didn't have, he had that in a, he didn't have that, he had that in a reverse.  
R: Right.  
D: What good is it. If the other horse scratches he doesn't have action.  
R: That's right.  
D: You know, OK Buddy.  
R: (IA)  
D: Hello  
R: Good-by.  
D: Yea, hold on weather.  
R: Yeah, hello.  
D: Yea.  
R: I'll call him up later (IA) I'll call him up later for his trotters. You going to be there later.  
D: Yea, I'll be here.  
R: All right, good by.  
D: So long.

b. On June 12, 1975, at approximately 5:17 pm, the outgoing conversation was intercepted from 860-0704 to 689-2299:



D: Hello.

R: What are you doing Buddy?

D: Nothing - you got figures?

R: Huh?

D: How did I do yesterday?

R: Ah - the 77 sheet - you won 11,838

D: That's all?

R: What do you mean, that's all? You want more.

D: I thought I had a big day. Just run down the names quickly - I'm not gonna take em.

R: Adam, Shadow, Ocean, Grapes, Hy, Leonard, Paul and Spookeroo. Spookeroo was your big loser, 980.

D: Stan didn't come in?

R: Who?

D: Stan

R: No

D: All right

R: What else?

D: Nothing

R: Nothing - you sound like you're depressed.

D: Ah, I am depressed, I don't know, things aren't going right.

R: I know, just take it easy, you know.

D: Yeah, what's new? Anything? How's it going today for you?

R: I owe you a dime.

D: All right, what about tonight? Where are you gonna meet me?



R: Where am I gonna be?

D: Where are you gonna meet me at a quarter to nine?

R: I don't - who's gonna meet at a quarter to nine? Why?

D: Cause Dicky's seeing me at 8:30.

R: 8:30 - I'll come over to your house.

D: All right.

R: You gonna be home by then?

D: Right after.

R: Well I'll see you home.

D: Dicky had a big big bet today on the horse.

R: Yeah - it lost.

D: lost

R: At New York. About 25 large I heard.

D: How did you know?

R: Pete told me that you moved, you know (IA)  
He said what did you do last night you lost a lot of ---I said "What do you mean, what did I do". You told me you wanted to hold. I said only three dimes. No, you didn't say three dimes to me - you wanted to hold big decisions on -- on Negro, Rowe and Perry. You wanted to hold big decisions. You didn't say "no three dimes". Because one guy took one shot, three dimes, and it would have been over.

D: Um hum

R: He said "Just let it come, now". He said "Well Jesus Christ, for seven dimes". He says you told me you wanted to hold the big decisions one Rowe. Because, you know, whatchacallit took 30 dollars, Roberts.



D: On who: The Mets?

R: Pants took 15.

D: On the Mets?

R: Yeah! Homer took 15.

R: Like seven dimes - I had two dimes the other way so it was really five dimes. You know, you know him, right.

D: Yeah! He's a real bitcher. Do you think he's weak for as far as the do-re-me?

R: You want me to be honest with you?

D: Yeah.

R: Yeah.

D: You think he'll start shorting people?

R: You know a few people who were supposed to have been met, they weren't met. But maybe he'll be out of it you understand?

D: What about - should I stop moving for him - anything big?

R: No, what's the difference. He's not going to hurt ya.

D: If he loses 20, he'll bring it?

R: Yeah - he won't hurt ya. I'm moving everything, you know what I'm saying. I'm moving everybody and everything so there's no big deal.

D: He was out with that Fran last night.

R: Huh?



D: That Fran last last night. Who is this Fran?  
R: That's his chick.  
D: Really?  
R: Yeah, why?  
D: Does he fuck around with her?  
R: Of course.  
D: Does Marie know?  
R: Does Marie know? Of course not.  
D: Aw, come on, she probably does.  
R: Well, how's she gonna know?  
D: She probably puts 2 and 2 together.  
R: Oh, I doubt it. She'd break her head.  
D: She'd break his head?  
R: She'd break her head.  
D: Oh.  
R: You know that. So they had a little argument over there, huh.  
D: Yeah. I loved every minute of it.  
R: Yeah.  
D: I was excited. It was exciting. He said he's got you - you don't know the way this guy Douglas talks.  
R: Who doesn't? I've known him a long time.  
D: This Douglas - at first he thought I was a cop.

R: The biggest crybaby in the world, huh?

D: At first he thought I was a cop. No joke!

R: He's givin you the shit.

D: And then he rough - he put his hands all over one to see if I had any hidden things. Real character. Then he says then he says - then he was arguing and one of his arguments was "Why the hell did ya have to tell a - a flunky clerk - a flunky clerk - you know and then - then he saw I was sitting there. So he says - I didn't ya know - Know, no regards to you and then he got back - a flunky clerk - you gotta send a flunky clerk to tell me these things.

R: Meaning me.

D: Meaning you.

R: Fucking bum.

D: That's what he sais - a flunky clerk. Prick!

R: Well, fuck him where he breathes.

D: That's right. Then he says to Dicky - he says "I'm out 46 large" and I loved when he says this "cold cash" he goes! Cold cash.

R: This guy is one of the biggest bullshitters going. The two of them, believe me.

D: ... the other guy.

R: Sure, the big boss. You know and that Douglas. I'd like to have the money he fucked me out of.

D: Who Dougy?

R: Yeah

D: Why?

R: It's a long story. You'd need a couple of years to sit and talk.



D: Does he owe you?

R: I owe him, but he helped me, you know. He got me this job.

D: Oh, he got you this job?

R: Sure.

D: Oh, he got you this job.

R: Yeah.

D: He just talks through his nose.

R: Well, you know, he don't mean no harm.

D: And then he called me a shot sh - she says "Oh you're the hot-shot kid." I said "Who called me a hot shot?" He says "Oh I know - so you're the shot-shot kid." Then I told this guy Charlie Lous. I said "Charlie..." Charlie's a very cocky guy - very cocky. He said "Well, you gotta be cocky" I says "yeah, sure, you gotta be cocky. I know you gotta be cocky." And that was it. And I said - I told this guy, I said "He has no right moving on the line - the line of one guy." You know - on the way one guy bets - the way Charlies bets. So I said "I'll go on the assumption that this guy is good in the long run he's going to win, right? Which is - which is - which is saying a lot to begin with.

R: Right.

D: I say - and then I explained to him that - I say because sometimes you're not gonna get the decisions you're looking for. And they are unbalanced decisions. So we chatted and that's about it. We ah I got home at 4:30.

R: Wow!

D: I got him home at about 4 o'clock. Did you ever see his house?

R: Naw!

D: I saw it. That's about it! He was a riot last night.

R: He wan't sick he blew that LA game?

D: He didn't know, I don't think. He knew it later - in the car - but it didn't seem to change his expression.

R: Did you eat over there?

D: Yeah.

R: Well that's good - the food's good.

D: Yeah the food's all right - I had the veal and stuff. But we drank a lot.

R: You drank a little bit, huh?

D: Yeah. I had about 13 or 14 drinks. Dicky had about 15.

R: Yeah.

D: So I was really boozed up. I woke up this morning with a real headache. I took 2 anacin, so at least now I'm just tired, you follow me?

R: Yeah.

D: So that's really about it I'm really stung with this Dodger loss that hurt me last night badly.

R: You knew that guy was gonna get a hit and score once that guy threw that wild pitch didn't you?

D: No, I didn't know about it because I was in the bar with Dicky.

R: I just felt it, I knew it. I said "This is it." Once they got that one run the Jesus - I said "The game is over."



D: When did they get the run?  
R: Eight and ninth innings - one run each.  
D: They got a run in the eighth?  
R: And one in the 9th.  
D: How did they get the run in the 8th?  
R: A walk or a hit and the guy scored all the way from first on a double by Jesus Alou.  
D: How many outs were there?  
R: One out.  
D: Shit!  
R: Then in the 9th inning.  
D: A man on 1st with 2 outs and a wild pitch.  
R: A man on 1st with 1 out, a wild pitch to second, short pop-up, 2 outs, and a guy got a hit - Phillies.  
D: This guy Phillies?  
R: It wasn't even close at home.  
D: Was Mike Marshall  
R: Was Mike Marsh It wasn't even close at home.  
D: Wasn't even close?  
R: Nah - that fucking Alphonso pitched some game.  
D: Yeah 2 innings.  
R: 2 innings of relief.  
D: How is this kid, Tate?  
R: After that 2nd inning got the run? Couldn't even do shit with him. Kid's ball moves, boy. His ball really moves. Well you can see that fucking ball moving. It's got a lot of velocity.

D: Tate's a shitcan til I bet against him.

R: Well, I'm telling you that kid...

D: I know

R: They couldn't get the bit hit. Had the bases loaded with no outs. Only got the one run.

D: Who's Charlies big play tonight? Let me hear.

R: I don't have it.

D: He's due.

R: He made shit plays today.

D: Shit plays?

R: Ugh.

D: What do you mean shit plays?

R: He bet San Diego for 15; Philadelphia for 15; and Morton for a dime and Minnesota for a nickle. Where the fuck does he bet nickles and dimes.

D: Maybe he's dirty - maybe he just don't want to play. Meanwhile Cappy's gonna be coming in - a guy named Cappy.

R: He came in.

D: When? Last night?

R: The day before.

D: Cappy?

R: Or he came in last week - for Fox. All right?

D: Yeah, he'll be coming in again "Cappy for 77".

R: All right.

D: There's gonna be a guy - Mell for 77.

R: Mell?

D: And if Black comes in he's all right.

R: What the hell - what you're going for the week lemme see - 13 thats 1550 you're ahead about 25 dollars for the week.

D: Shit, I hope to maybe lose a few dollars.



R: Yeah - hole on - Let me go to this pain in the ass. Do you know Gene for Knobby.

D: No.

R: He's fucking one if two loses and---I hate writing that shit you know. It's ridiculous.

D: Sure it is.

R: You learnt him that shit.

D: Who does he (IA) to now Adam?

R: Yeah. A friend of his. I'll speak to you later.

D: Right.

39. Based upon the information furnished to your affiant on April 29, 1975, by a reliable confidential informant referred to in Exhibit A as Mr. A and Mr. C (see paragraph 32 and 33 supra) your affiant believes that the person receiving the telephone calls set forth in paragraph 38 is DANNY KRAMER.

40. Paragraphs 11 up to and including 30, supra, are incorporated herein by reference to support probable cause for the belief that DANNY KRAMER, RITCHIE (LNU), KENNY (LNU) (believed to be KENNETH DAVIS) and RICHARD ESPOSITO have been using 686-2299 and 686-2138 in connection with the offenses described in paragraph 3, supra.

41. In response to the apparent meet between RITCHIE (LNU) and DANNY at KRAMER's house, as discussed in the above conversation, set forth in paragraph 38(b), Special Agents of the Federal Bureau of Investigation conducted a surveillance in the area of 343 East 30th Street on June 12, 1975. At 8:53 p.m. RITCHIE (LNU) was observed driving a green Capri, New Jersey license 606 CBS which he



parked on East 30th Street. RITCHIE (LNU) was observed walking into a pizza parlor between East 30th Street and East 31st Street where he had something to eat. At 9:05 p.m. RITCHIE (LNU) was observed leaving the pizza parlor and at 9:07 p.m. RITCHIE (LNU) was observed entering 343 East 30th Street, New York City.

42. From the above June 12, 1975 surveillance, it was determined that 343 East 30th Street is a large, modern multi-unit dwelling consisting of approximately 10 or 12 stories. Entry into each of two large building complexes is made via several doorways.

FACTS ESTABLISHING PROBABLE CAUSE  
FOR THE BELIEF THAT 348-9822 and  
831-9709 HAVE BEEN, ARE BEING USED AND  
WILL BE USED BY RICHARD ESPOSITO, RITCHIE  
(LNU), KENNY (LNU) (BELIEVED TO BE KENNETH  
DAVIS), AND OTHERS AS YET UNKNOWN IN  
CONNECTION WITH THE OFFENSES DESCRIBED IN  
PARAGRAPH 3, SUPRA

43. The following are all excerpts of conversations intercepted from 348-9822 and 831-9709 to 860-0702 and 860-0704 pursuant to the order of Judge PALMIERI. All excerpts of conversation are substantially verbatim but are not to be considered as exact. Symbols used in the transcription of these conversations are as follows: RICHARD ESPOSITO - DE; RITCHIE (LNU) - R; INAUDIBLE (IA); PHONE - overheard conversation with individual not a party to telephone conversation.

a. On June 12, 1975, at approximately 7:35 p.m. the following income conversation to 860-0702 from 348-9822 was intercepted:



DE: Hello, what's going on?

R: Nothing, Charlie made one play. Busby. They favor Blue a little bit and Sutton.

DE: Yeah, Sutton. They favor Sutton.

R: Yeah.

DE: They favor.

R: Hold on Tommy one minute (PHONE). The kid. I gave the kid the horses everything exactly the same, two and two. Two fifty dollar exactas and the one and one roundy.

DE: Right.

R: Exacta.

DE: What else?

R: Nothing, that's about it. Nothing you know.

DE: He favors Blue.

R: He bet Busby.

DE: I'm favoring Palmer. Make Busby a little high so we get some Busby money. Give them the right price you'll find...

R: I got them...What do you mean make Busby high so you get some Cleveland money.

DE: Yeah, just enough you know. That last city horse ran out?

R: I didn't hear. Nobody told me nothing.

DE: Charlie (phonetic) knows better than anyone else.

R: Well, he didn't say nothing to me. Something about a horse in New York ran 2nd.

DE: Yeah, that's the one. That's the horse that ran yesterday.

R: Okay.

DE: All right.

R: You want Sal to do anything for you or what.  
DE: I'm down the bar.  
R: So you don't need him.  
DE: Uh, I'll need him I guess uh now no. Let him go home I guess.  
R: Well, he is home.  
DE: Oh, he is home.  
R: Yeah  
DE: Well how bout those things for me.  
R: I don't know, uh, I'll tell him to come down and pick them up.  
  
DE: No, I'll send Marie there in about 20 minutes on the way to pick them up.  
R: All right, I'll see you downstairs.  
DE: Okay.  
R: So long  
DE: There's something else. I don't know what I had to say. All right, if anything important comes up call me.  
R: All right.  
DE: So long.

b. On June 13, 1975, at approximately 7:11 p.m. the following incoming call to 860-0702 from 831-9709 was intercepted:

R: Hello  
DE: Well, I finally got you. What's the matter?  
R: Oh. Hold on a minute. Dasal (phonetic) is coming down. He doesn't know where he is going to meet commander or what.  
DE: Where he always let him.  
R: What time he don't know the..



DE: It's between 8:30 and 9

R: Oh, he's coming down after.

DE: (IA) unless he'll tell you when you call him.

R: All right. Hold on Charlie. Hold on (PHONE) (IA).  
Go ahead.

Charlie: Yeah, what's what. I'm in the bar.

R: Yeah, nothing (IA) 55 just, hold on. Hello.  
Hold on 55 just came in he bet Umbarger (phonetic)  
Gultz (phonetic).

DE: That's who he likes.

R: Olstein (phonetic). He likes Houston and he  
likes the Mets.

DE: Houston. I don't even have a Penical. You get  
horses yet?

R: Yeah. He gave them to me.

DE: Oh. I'll tell you what. Do you bet them?

R: 6th, 7th and 8th.

DE: All right, I'm going to come and get them, in a  
while. Let me and I'll call you. Tell the kid  
to stand by.

R: He's gone. He went out.

DE: He's going to call you though.

R: Yeah, he'll call me. Okay.

DE: All right, there's 6th, 7th and 8th.

R: Yeah.

DE: Make Exacta with the 6th and 7th. What are  
they on the line.

R: 3 to 1 and 7 to 2

DE: All right, make them win and place.

R: Right.

DE: You make a win and place Round Robin. You make some Exactas with Commander too. Win and place. And a win and place Round Robin. Now He's on Olstein (phonetic). He's on Gultz (phonetic). He's on Umberger (phonetic) (IA) Stevenson.

R: Yeah, he likes Houston. He likes the Mets.

DE: Okay pal, I'll get back to you, call me.

R: All right.

DE: Call me if it is important.

R: All right.

DE: (IA)

c. On June 13, 1975, at approximately 7:51 p.m., the following incoming call to 860-0704 from 831-9709 was intercepted:

R: Hello

DE: Did he say he was gonna do it?

R: Hold on! Who was that?

DE: That ah, ah, Tugboat.

R: Yeah, he did it already. Hold on! They wouldn't take the round robin. Just three and three. I gave the kid two and two, and a two win, two place round robin.

DE: All right...

R: Hold on!

DE: Tell em to hold on. C'mon, I got things...

R: Go ahead.

DE: Let them hold on - Fuck them -

R: It's Tugboat - that's all, I told him to hold on.



DE: At the 6th at Yonkers, Bearcat what?

R: Bearcat Adios!

DE: Adios, make with Fuller Chase

R: Who?

DE: Fuller Chase and Good Value. Two one dollar Exactas, the 7th, Speed Smith, Spirit Happy and Zan Tail Beak. Two one dollar dow - ah Exactas, and make it a one and one...

R: Hold it, hold it. (IA) Happy and who else?

DE: Sentell Happy and Spirit Happy and Fan Tail Beak in the 7th with Spirit ah Speed Smith.

R: Two one dollar exactas?

DE: And ah ah what's that Best Tram in the 8th?

R: Ah Brett's Triumph yeah.

DE: Brett?

R: Brett?

DE: Ok, cause I wanna get down there on these things, make it a two and two, and another race and another dollar on the win and place with that Commander.

R: The roundhouse, raise it up and make two two dollar, two one dollar exactas.

DE: OK.

R: So long.

DE: So long.

44. On June 18, 1975, Special Agent MARTIN BILDER had occasion to listen to a duplicate tape recording of an incoming call to RITCHIE (LNU) at 860-0704 on June 14, 1975, at 7:35 p.m. in which Special Agent BILDER heard a background conversation between RITCHIE (LNU) and

RICHARD ESPOSITO. By voice identification Special Agent BILDER identified the caller in the conversation set forth in paragraph 43 as RICHARD ESPOSITO.

45. On June 15, 1975, surveillance conducted by a Special Agent of the Federal Bureau of Investigation revealed that there are two telephone booths on the southeast corner of Lexington Avenue and 81st Street. This corner is located approximately one-half block from Manney's Lounge, 1201 Lexington Avenue, where RICHARD ESPOSITO has been observed to meet with the runners in the Dixon Operation to settle up (see Exhibit A, paragraph 10b).

These telephone booths are situated side by side, the west telephone booth having a pay telephone with telephone number 348-9822 and the east telephone booth having a pay telephone with telephone number 831-9709.

46. On June 12, 1975, Special Agents of the Federal Bureau of Investigation observed RICHARD ESPOSITO exit Manney's Lounge, 1201 Lexington Avenue, at 7:31 p.m. and immediately enter the east telephone booth on the southeast corner of 81st Street and Lexington Avenue. During the conversation set forth in paragraph 43A, supra, RICHARD ESPOSITO was observed talking on the telephone and writing on assorted papers which he held in his hand. He exited the booth at 7:52 p.m.

47. On June 13, 1975, Special Agents of the Federal Bureau of Investigation observed RICHARD ESPOSITO entering the west phone booth on the corner of 81st Street and Lexington Avenue at 7:08 p.m.



During the conversation set forth in paragraph 43b supra, RICHARD ESPOSITO was observed speaking into the telephone. He exited the booth at 7:13 p.m.

48. On June 13, 1975, Special Agents of the Federal Bureau of Investigation observed RICHARD ESPOSITO enter the west telephone booth at 7:45 p.m. During the conversation set forth in paragraph 43c, supra, RICHARD ESPOSITO was observed talking on the telephone. He exited the booth at 7:57 p.m.

49. Other than the instances described in paragraph 37, 38, 39, supra, RICHARD ESPOSITO has been observed using the telephones located in the east and west booths on the southeast corner of 81st Street and Lexington Avenue by Special Agents of the Federal Bureau of Investigation on the following occasions:

a. On June 13, 1975 RICHARD ESPOSITO used the telephone in the east booth from 7:27 p.m. to 7:41 p.m. and from 7:57 p.m. to 8:00 p.m.

b. On June 17, 1975, RICHARD ESPOSITO used the telephone in the east booth from 7:51 p.m. to 8:03 p.m. At 8:03 p.m. RICHARD ESPOSITO entered the west booth and exited two minutes later.

50. On July 2, 1975 Special Agents of the FBI conducted surveillance over the two telephone booths located on the southeast corner of 81st St. and Lexington Avenue. At 7:06 p.m. Special Agents of the FBI observed RICHARD ESPOSITO enter the west telephone booth and make five telephone calls. During these calls Esposito had a piece of paper in his hand upon which he

made notations during his conversations. At 7:21 p.m. ESPOSITO exited the west telephone booth without having replaced the receiver in its cradle and he immediately entered the east telephone booth and was observed to make one telephone call. At 7:22 p.m. ESPOSITO exited the east telephone booth and entered the west telephone booth. Upon reentering the west telephone booth ESPOSITO picked up the receiver of the telephone and resumed the previous conversation. At 7:26 p.m. ESPOSITO remained in the west telephone booth and made seven calls. During these seven calls ESPOSITO was observed to continue to make notations on the piece of paper which he held in his hand. At 7:55 p.m. Esposito left the east telephone booth and entered Manney's Lounge.

51. Paragraphs 11 up to and including 30, supra, are incorporated herein by reference to support probable cause for the belief that RITCHIE (LNU), KENNY (LNU) (believed to be KENNETH DAVIS) and RICHARD ESPOSITO, and others as yet unknown, have been using, are using and will be using 348-9822 and 831-9709 in connection with the offenses described in paragraph 3 supra.

52. As set forth in paragraph 8(f) of Exhibit A, RICHARD ESPOSITO has direct operational control of the Dixon Operation. From the affiant's experience, as well as from the experience of other Special Agents of the Federal Bureau of Investigation, it is common practice for the operational director of a gambling operation to contact his wireroom in a secretive manner, such as calling from a public telephone, near the close of the gambling operation's business day, (e.g. from the pattern of activity established from electronic and physical surveillance, it is



apparent that the Dixon Operation closes business at approximately 8:30 p.m. From the frequency and times with which RICHARD ESPOSITO utilizes 831-9709 and 348-9822, your affiant is of the opinion that RICHARD ESPOSITO is using said telephone lines to contact different wirerooms used by the Dixon Operation and to report the daily results to the operation's finance backers who constitute the higher echelon of supervision in the operation.)

53. In order to minimize the likelihood of intercepting conversation which do not pertain to the Dixon gambling operation, I propose that interception of wire communications to and from 348-9822 shall only occur when RICHARD ESPOSITO is observed within the west telephone booth on the southeast corner of 81st Street and Lexington Avenue between the hours of 6:00 p.m. and 10:00 p.m. Similarly, interception of wire communications to and from 831-9709 shall only occur when RICHARD ESPOSITO is observed within the east telephone booth on the southeast corner of 81st Street and Lexington Avenue between the hours of 6:00 p.m. and 10:00 p.m.

#### NEED FOR INTERCEPTION

54. Based upon my own experience as a Special Agent of the Federal Bureau of Investigation as well as the experience of other Special Agents of the Federal Bureau of Investigation, and upon all of the information alleged herein as well as paragraphs 17 through 20 of Exhibit A, I believe that the interception of wire communications is the only available investigative technique remaining which has a reasonable likelihood of securing the

evidence needed to prove beyond a reasonable doubt that RICHARD ESPOSITO, DANNY KRAMER, ARTHUR SONNENSCHN (also known as "Sunshine" and "77"), "RITCHIE (LNU), ENNY (LNU) (believed to be Kenneth Davis), and others as yet unknown, are engaged in the operation of an illegal gambling business in violation of Section 1955 of Title 18, United States Code, and are conspiring to do so in violation of Section 371, Title 18, United States Code. The factors contributing to my belief are set forth in the following numbered paragraphs:

55. All of the confidential informants previously described (Mr. A, Mr. B, and Mr. C) are unwilling to testify or have their identities disclosed because of the possibility of retribution and their fear of being physically harmed.

56. Continued physical surveillance by agents, even if in an undercover capacity, offers little chance of obtaining the necessary evidence. At best it could only establish meetings between members and co-conspirators of this gambling operation. Even if a surveilling agent were to be in a position to physically overhear conversations, the results are far from complete. At worst, such continued efforts might be detected by the subjects and compromise this investigation.

57. Conversations monitored during the course of the electronic surveillance conducted pursuant to the Order of Judge PALMIERI have yielded insufficient evidence to prosecute all the identified individuals in the gambling operation to reveal as well as their confederates and the full nature and extent of their conspiracy. Interception at wire communications from 860-0702 and 860-0704 was discontinued after 5 days because the operation had ceased using



their telephone lines on June 16, 1975. Surveillance of the suspected wireroom at 2433 Second Avenue by Special Agents of the Federal Bureau of Investigation failed to reveal RITCHIE (LNU), DANNY KRAMER or ARTHUR SONNENSCHNEIN entering said suspected wireroom on either June 16, 1975 or June 17, 1975.

58. Inasmuch as the gambling operation described herein is a continuing criminal conspiracy, the evidence sought through the interception of wire communications to and from telephone numbers several days succeeding the first receipt of communications, which is the objective of this request. Therefore, it is requested that these intercepts not terminate when the sought communications are first obtained, but continue until interception reveals the identities of the confederates of RICHARD ESPOSITO, ARTHUR SONNENSCHNEIN (also known as "Sunshine" and "77"), RITCHIE (LNU), DANNY KRAMER, KENNY (LNU) (believed to be KENNETH DAVIS) and others as yet unknown, their places of operation and the nature of the conspiracy involved therein, or for a period of twenty days from the date of the order, whichever is earlier.

59. Section 803 entitled "Syndicated Gambling" of the Organized Crime Control Act of 1970, Public Law 91-452, 91st Congress, approved October 15, 1970, amended Chapter 95, Title 18, United States Code, by adding a new section, Section 1955, Prohibition of Illegal Gambling Business. Section 801 of Title VII of the Act contains special finding that illegal gambling involves widespread

use of, and has an effect upon interstate commerce and the facilities thereof.

WHEREFORE, I submit that the information supplied by the reliable informants and the information developed in the cause of the investigation, as set forth in all the preceding paragraphs, and in my affidavit of June 11, 1975, which is appended hereto as Exhibit A, provide sufficient facts to establish that RICHARD ESPOSITO, DANNY KRAMER, ARTHUR SONNENSCHNEIN (also known as "Sunshine" and "77"), RITCHIE (LNU), KENNY (LNU) (believed to be Kenneth Davis) and others as yet unknown, have been, are and will continue to commit offenses involving the use of (a) the telephone lines numbered 289-2579 and 289-2547 subscribed by JOSE A. FELICIANO, 251 East 123rd Street, New York, New York, (b) 686-2138 and 686-2299 subscribed by DONALD WALKER, 343 East 30th Street, Apartment 35, New York, New York and (c) 831-9709 and 348-9822 respectively located in two public telephone booths on the southeast corner of 81st Street and Lexington Avenue, New York, New York which are an integral part of the continuing conspiracy to conduct an illegal gambling business in violation of Sections 1955 and 371 of Title 18, United States Code.

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WILLIAM BRADBURY, JR.  
SPECIAL AGENT  
FEDERAL BUREAU OF INVESTIGATION



UNITED STATES DISTRICT COURT  
SOUTHER DISTRICT OF NEW YORK

----- X  
IN THE MATTER OF THE APPLICATION  
OF THE UNITED STATES FOR AN ORDER  
AUTHORIZING THE INTERCEPTION OF  
WIRE COMMUNICATIONS  
----- X

No. M19-97(58)

APPLICATION AND SEALING ORDER

APPLICATION AND ORDER

THE UNITED STATES OF AMERICA, by and through Michael D. Abzug, Special Attorney for the Department of Justice, assigned to the Southern District of New York, hereby makes application to this Court for an Order, pursuant to the provisions of Section 2518(8)(a) of Title 18, United States Code, sealing 120 reels of tape recordings of wire communications intercepted pursuant to an Order of this Court, signed on July 10, 1975, authorizing the interception of wire communications of the following persons from the following telephone lines:

(1) DANNY KRAMER, RITCHIE (LNU), ARTHUR SONNENSCHNEIN (a/k/a "SUNSHINE"), RICHARD ESPOSITO, KENNY (LNU) (believed to be KENNETH DAVIS), and others as yet unknown, to and from the telephone lines numbered (212) 289-2579 and (212) 289-2547, and subscribed to by Jose A. Feliciano, 251 East 123rd Street, New York, New York.

(2) DANNY KRAMER, RICHARD ESPOSITO, KENNY (LNU) (believed to be KENNETH DAVIS), and others as yet unknown, to and from the telephone lines numbered (212) 686-2138 and (212) 686-2299 and

subscribed to by Donald Maller, 343 East 36th Street, Apartment 31, New York, New York.

(e) RICHARD ESPOSITO, RITCHIE (LNU), KENNY (LNU) (believed to be KENNETH DAVIS), and others as yet unknown to and from the telephone lines numbered (212) 348-9822 and (212) 831-9709, and located in two public telephone booths situated on the southeast corner of 81st Street and Lexington Avenue, New York, New York.

The Government further requests that this Court direct, pursuant to the provisions of Section 2518(8)(a) of Title 18, United States Code, that said tape recordings in the above-captioned matter be held in the custody of the Federal Bureau of Investigation of the United States Department of Justice.

Respectfully submitted,

s/Michael D. Abzug  
MICHAEL D. ABZUG  
Special Attorney  
U.S. Department of Justice

Dated: New York, New York  
August, 1975

IT IS SO ORDERED

Dated: New York, New York  
August 6, 1975

ss/The Honorable Charles E. Stewart  
UNITED STATES DISTRICT JUDGE



## INDICTMENT

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
UNITED STATES OF AMERICA

-v-

RICHARD ESPOSITO, a/k/a "Dixon,"  
RICHARD RIZZO, NICHOLAS BOTTA,  
LAWRENCE MESSINA, JOHN YARMOSH,  
JOHN IANNONE, a/k/a "Kodak,"  
IRVING ALBAHARI, a/k/a "Brooklyn,"  
JOSEPH FALCO, NICHOLAS RENNA,  
DAVID STEINBERG, and LOUIS MAGGIO,

76 Cr. 1074

Defendants

----- X

COUNT ONE

The Grand Jury charges:

1. From in or about October, 1974 up to and including in or around November 1975 in the Southern District of New York, and elsewhere, RICHARD ESPOSITO, a/k/a "Dixon," RICHARD RIZZO, NICHOLAS BOTTA, LAWRENCE MESSINA, JOHN YARMOSH, JOHN IANNONE, a/k/a "Kodak," IRVING ALBAHARI, a/k/a "Brooklyn," JOSEPH FALCO, NICHOLAS RENNA, DAVID STEINBERG, and LOUIS MAGGIO, the defendants, and Daniel Kramer, Marie Esposito, Salvatore Landi, Robert Centeno, and Kenneth Davis, named herein as co-conspirators but not as defendants, unlawfully, wilfully, and knowingly, did combine, conspire, confederate and agree, together and with each other and with other persons to the Grand Jury known and unknown, to commit offenses against the United States, to wit, to violate Title 18, United States



## INDICTMENT

Code, Section 1955.

2. It was part of said conspiracy that said defendants would unlawfully, wilfully and knowingly, conduct, finance, manage, supervise, direct and own an illegal gambling business, to wit, a sports betting business (a) being in violation of the laws of the State of New York, to wit, New York State Penal Law, Sections 225.05 and 225.10, (b) involving five or more persons who conducted, financed, managed, supervised, directed and owned a part of said illegal gambling business, and (c) being and remaining in substantially continuous operation for a period in excess of thirty days or having a gross revenue of two thousand dollars in a single day.

3. Among the means whereby the defendants carried out the conspiracy were the following:

a. The defendant RICHARD ESPOSITO, controlled, managed, directed, and supervised the illegal gambling business (commonly known as the "Dixon" operation) which accepted sports wagers at various locations in New York County, including 2433 Second Avenue, 107 East 125th Street, 251 East 123rd Street, Apartment 3C.

b. Each of these locations, hereinafter referred to as wirerooms, was managed and supervised by the defendant RICHARD ESPOSITO in the manner described below:

(1) Individuals commonly known as "runners," including defendants IRVING ALBAHARI, a/k/a "Brooklyn," LOUIS MAGGIO,



## INDICTMENT

and JOHN IANNONE, a/k/a "Kodak," together with individuals not named herein, would transmit sports wagers on behalf of others via telephone to the defendants RICHARD RIZZO, DAVID STEINBERG, and co-conspirators Danny Kramer, Salvatore Landi, and Kenneth Davis, who worked in the wireroom on a weekly basis; the aforementioned defendant-runners, together and with others not named herein, would receive their "figures" or "pay and collects" from the wireroom, that is, an accounting of how much their bettors won or lost during the week. These "figures" or "pay and collects" enabled the defendant-runners to collect losses from and pay winnings to the individual bettors on whose behalf they had transmitted wagers to the wireroom.

(2) The money owed to the "Dixon" operation at the end of the week would be collected from the defendants IRVING ALBAHARI, a/k/a "Brooklyn," JOHN IANNONE, a/k/a "Kodak", LOUIS MAGGIO and others known and unknown to the Grand Jury by the defendant RICHARD ESPOSITO or Salvatore Landi, named herein as a co-conspirator but not as a defendant. Similarly, the money owed by the "Dixon" operation at the end of the week would be paid to the defendants IRVING ALBAHARI, a/k/a "Brooklyn," JOHN IANNONE, a/k/a "Kodak," LOUIS MAGGIO and others known and unknown to the Grand Jury by the defendant RICHARD ESPOSITO or Salvatore Landi, named herein as a co-conspirator but not a defendant.

c. From time to time information concerning current odds on sports events (commonly known as the "line") would

## INDICTMENT

be transmitted to the "Dixon" operation's wireroom from wirerooms of other unlawful gambling operations. In addition the aforementioned wirerooms assisted each other in the operation at the illegal gambling businesses by "laying off," that is, by placing and receiving large wagers with each other so that no single wireroom would be exposed to a large loss. These other wirerooms operated in the Southern District of New York and elsewhere in the following manner:

(1) The defendants NICHOLAS BOTTA, LARRY MESSINA, and JOHN YARMOSH, together and with others not named herein worked in a wireroom belonging to the "Mr. White" unlawful sports gambling business. The defendants NICHOLAS BOTTA, LARRY MESSINA, JOHN YARMOSH, together with others not named herein would record and tally sports wagers received at the wireroom via telephone from the co-conspirator Danny Kramer and other unidentified runners, as well as accept the "Dixon" operation's "laid-off" sports wagers. The defendants NICHOLAS BOTTA and JOHN YARMOSH would also collect money owed to the "Mr. White" operation by the co-conspirator Danny Kramer as well as other unidentified runners who had transmitted wagers to the "Mr. White" wireroom. Similarly, the defendants NICHOLAS BOTTA and JOHN YARMOSH would also pay money owed by the "Mr. White" operation by the co-conspirator Danny Kramer as well as other unidentified runners who transmitted wagers to the "Mr. White" wireroom.

(2) The defendant JOSEPH FALCO, with others not



## INDICTMENT

named herein, worked in a wireroom belonging to the "National" operation. JOSEPH FALCO would record and tally the "Dixon" operation's "laid-off" sports wagers.

(3) The defendant NICHOLAS RENNA, with others not named herein, worked in a wireroom belonging to the "Commander 1" operation. NICHOLAS RENNA would record and tally the "Dixon" operation's "laid-off" sports wagers.

OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, the defendants committed and caused to be committed, among others, the following overt acts in the Southern District of New York;

1. On June 13, 1976, at approximately 5:05 p.m., the defendant RICHARD ESPOSITO had a telephone conversation with defendant RICHARD RIZZO.
2. On June 13, 1975, at approximately 1:43 p.m., the defendant DAVID STEINBERG had a telephone conversation with the defendant RICHARD RIZZO.
3. On June 14, 1975, at approximately 12:15 p.m., the defendant JOSEPH FALCO had a telephone conversation with the defendant RICHARD RIZZO.
4. On June 15, 1975, at approximately 2:01 p.m., the defendant IRVING ALBAHARI, had a telephone conversation with the defendant RICHARD RIZZO.
5. On July 15, 1975, at approximately 5:21 p.m.,

## INDICTMENT

the defendant JOHN IANNONE had a telephone conversation with the defendant RICHARD RIZZO.

6. On July 17, 1975 at approximately 7:45 p.m., the defendants NICHOLAS BOTA and LAWRENCE MESSINA had a telephone conversation with co-conspirator Daniel Kramer.

7. On July 23, 1975, at approximately 12:33 p.m., the defendant NICHOLAS RENNA had a telephone conversation with the defendant RICHARD RIZZO.

8. On July 23, 1975 at approximately 11:55 a.m., the defendant LOUIS MAGGIO had a telephone conversation with defendant RICHARD RIZZO.

9. On November 2, 1975, the defendants NICHOLAS BOTTA and LAWRENCE MESSINA had a telephone conversation with co-conspirator Daniel Kramer.

10. On November 13, 1975, the defendant JOHN YARMOSH had a telephone conversation with co-conspirator Daniel Kramer.

11. On November 13, 1975, co-conspirator Daniel Kramer went to the Midako Restaurant, 21 West 39th Street New York, New York.

(Title 18, United States Code, Section 371)

COUNT TWO

The Grand Jury further charges:

From on or about October 1, 1974, up to and including on or about November 30, 1975, in the Southern District of



## INDICTMENT

New York, and elsewhere, RICHARD ESPOSITO, a/k/a "Dixon," RICHARD RIZZO, NICHOLAS BOTTA, LAWRENCE MESSINA, JOHN YARMOSH, JOHN IANNONE, a/k/a "Kodak," IRVING ALBAHARI, a/k/a "Brooklyn" JOSEPH FALCO NICHOLAS RENNA, DAVID STEINBERG, and LOUIS MAGGIO, the defendants, and others known and unknown to the Grand Jury, unlawfully, wilfully, and knowingly, did conduct, finance, manage, supervise, direct and own an illegal gambling business, to wit, a sports betting business, (a) being in violation of the laws of the State of New York, to wit, New York State Penal Law, Sections 225.05 and 225.20, (b) involving five or more persons who conduct, manage, supervise direct or own a part of said illegal gambling business, and (c) remaining in substantially continuous operation for a period in excess of thirty days or having a gross revenue of two thousand dollars in a single day.

(Title 18, United States Code, Section 1955 and 2)

s/Robert B. Fiske, Jr.  
ROBERT B. FISKE, JR.  
United States Attorney

FOREMAN

UNITED STATE DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

ORDER TO SHOW  
CAUSE

RICHARD ESPOSITO, a/k/a "DIXON", RICHARD  
RIZZO, NICHOLAS, LAWRENCE MESSINA,  
JOHN YARMOSH, JOHN LAMMONE, a/k/a "KODAK",  
IRVING ALBAHARI, a/k/a "BROOKLYN", JOSEPH  
FALCO, NICHOLAS RENNA, DAVID STEINBERG,  
and LOUIS MAGGIO,

Indictment Number:

76 CR 1074/RW

Defendants.

Upon reading and filing the annexed Affidavit of MARVYN  
M. KORNBERG, ESO., and RONALD RUBINSTEIN, ESO., sworn to the  
ninth day of December, 1976, the Wire Tap Orders dated June 11th,  
1975, and July 10th, 1975, the supporting Affidavits annexed  
thereto, the exhibits and all the proceedings heretofore had  
herein,

NOW, on Motion of MARVYN M. KORNBERG, ESO., and RONALD  
RUBINSTEIN, ESO., attorneys for the defendants, NICHOLAS BOTTA  
and LAWRENCE MESSINA, and on behalf of all other defendants,

LET the Government show cause before Judge Edward Weinfeld  
in Room 2703 of the United States Courthouse, Foley Square,



New York City, New York, on the fourteenth (14th) day of December, 1976, at 4:00 o'clock in the afternoon or as soon thereafter as counsel may be heard,

WHY AN ORDER should not be made and entered for an Order:

1. Granting defendants a hearing and suppressing all conversations, and any and all evidence derived from electronic surveillance as violative of 18 USC 2510 et seq and the fourth Amendment of the United States Constitution and for;
2. Discovery on the methods used by the Government to identify the voices of each defendant and for a full hearing on that issue and for;
3. Discovery of all evidence seized by Nassau County law enforcement agencies to be used against NICHOLAS BOTTA and LAWRENCE KESSINA or any other defendants, and for;
4. A hearing to determine the fairness of any out of Court identification of defendants as the persons named in the indictment, and for;
5. And for an Order to suppress all intercepted conversations as well as the evidence obtained therefrom for the failure of the government to comply with title 18 Section 2518 Subdivision 8A for failure to seal "immediately" or in the alternative, for this honorable Court to have a hearing to determine said issue.

Sufficient cause appearing, therefore, let personal service of this Order to Show Cause and supporting Affidavits upon the United States Attorney on or before the 4:00 o'clock in the afternoon of the tenth (10th) day of December, 1976, be deemed good and sufficient service.

Dated: New York, New York  
December 10th, 1976

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U. S. D. J.



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

AFFIDAVIT

RICHARD ESPOSITO, a/k/a "DIXON",  
RICHARD RIZZO, NICHOLAS BOTTA,  
LAWRENCE MESSINA, JOHN YARMOSH, JOHN  
IANNONE, a/k/a "BROOKLYN", JOSEPH  
FALCO, NICHOLAS RENNA, DAVID STEINBERG,  
and LOUIS MAGGIO,

Defendants.

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State of New York )  
County of New York ) ss:

MARVYN M. KORNBERG, ESQ., and RONALD RUBINSTEIN, ESQ.,

being duly sworn deposes and says:

1. That we are the attorneys for the defendants, NICHOLAS BOTTA AND LAWRENCE MESSINA, respectively and submit in this Affidavit on behalf of said defendants as well as all defendants for the relief set forth in the annexed Order to Show Cause.
2. That on the 11th day of June, 1976, Judge Edmond L. Palmieri of the United States District Court for the Southern District of New York signed an Order authorizing electronic surveillance of the following telephone numbers:

(212) 860-0702

(212) 860-0704

both in the 212 area.

3. In the Affidavits that were submitted in support of the application it should be noted that the United States Attorney on Page Four (4) thereof requests only an Order permitting eavesdropping of telephone conversations "emanating from" the said telephone numbers and does not request any type of surveillance for telephone calls which were incoming to said numbers. Even though the United States Attorney only requested a surveillance of outgoing calls, he submitted an Order to Judge Paliermi to authorize surveillance of incoming calls as well as outgoing calls. It is submitted that the Order is defective as there are no supporting Affidavits requesting the extensive authorizations requested and granted.

4. This argument is also advanced and repeated herein with respect to the subsequent Order of Judge Carter wherein the United States Attorney again in his Affidavit requests merely a surveillance of calls "emanating from" the telephone numbers set forth in that affidavit and not surveillance of incoming calls.



5. The Affidavits for the June 11th, 1975 Order are further defective in that they recite that the information with respect to criminal activities of the named parties therein were furnished by three (3) unnamed informers, to wit; A B and C. Neither Affidavit includes any corroborative information by law enforcement officers of criminal activities of the parties named therein. It is conceded that law enforcement officers affirm that they made certain surveillance, however, they do not indicate any corroboration of illegal activities as described by the informers.

6. Under such circumstances, the identities of these informers must be disclosed and a hearing must be conducted to determine their credibility on the issue of probable cause for the issuances of a wire tap order. Removing the information of the undisclosed informers would leave the Affidavits with factual material that is completely innocent, and insufficient to form the basis of the probable cause required for the issuance of the Order.

7. Paragraphs 17 through 20 of Special Agent William Bradbury, Jr., which purports to show the need for interception is perhaps the most damning indictment of law enforcement agencies and their ability to combat illegal gambling activities.

8. Agent Bradbury states that one of the reasons for the wire tapping order is that "gambling raids and searches of gamblers and their gambling establishments have not in the past resulted in the obtaining of physical or other evidence to prove all elements of the offense. Certainly there have been a multitude of convictions both on the State and Federal level wherein search warrants have been used to provide the evidence necessary to support said convictions without the necessity of electronic surveillance. Agent Bradbury goes on to say, "If such records have been maintained, gamblers immediately, prior to or during a physical search, Destroy them." This is untrue and incredible to believe. Is the Court supposed to believe that gamblers destroy gambling records while a search is being conducted by the Federal Bureau of Investigation?

9. Agent Bradbury also states, "Additionally, records that have been seized in past gambling cases generally have not been sufficient to establish elements of a Federal offense as such records are difficult to interperate and many times are of little or no significance. . . . . In the instant case this is a direct attempt to mislead the Court since informer A, as contained in paragraph 8A of said Affidavit sets forth the fact that he is a



runner, informers B and C both admit that they are bettors, Who can better interperate the records, than a runner who is an informer and bettors who are informers? Where is the need of electronic surveillance?

10. It is further submitted to the Court that based upon the fact that informers A B and C were engaged in gabling activities, as bettors and runners a search warrant could have been obtained, the records seized, and the interperatation of said records made by A B and C.

11. Paragraphs 4C of the United States Attorney's Affidavit adopts Agent Bradbury's statements as to why normal investigative procedures would be unlikely to succeed if tried. It should be noted that although the United States Attorney states that these procedures "either have been tried and have failed or reasonably appear as unlikely to succeed if tried", none of these normal procedures were even tried".

12. In any event, it is the position of the Government that it has three (3) informers A B and C who were privy to the inner councils of the alleged gambling conspiracy, as runners and players. Under such circumstances, the extraordinary invasion of privacy by electronic surveillance was unnecessary.

13. As the Federal law permits a conviction on the uncorroborated testimony of an accomplice nothing in the evidence indicates that these three (3) informers could not have identified and testified against those allegedly involved in the conspiracy, thus eliminating the necessity for any evidence obtained pursuant to the wire tap orders herein.

14. Under the circumstances, defendants are entitled to the discovery of the identity of the informers and to confront them on the witness stand as to whether or not they could have identified the members of the alleged conspiracy without the need for electronic surveillance in this case. It is therefore, submitted that the electronic surveillance in this case was unnecessary and that the allegation in the Affidavits to the contrary are less than frank and indeed self-serving and conclusive.

15. The purpose of Congressional authorization for legal wire tapping is to sanction its use only when there is no other way, to obtain the evidence needed to support a conviction. Such is not the case at bar, and 18 USC 2510 prohibits electronic surveillance where other methods are reasonably available.



16. It should be noted that we have before us two (2) separate wire tapping orders and that the alleged probable cause for the second wire tapping order emanates in part from conversations obtained through the first wire tap order. Should the first wire tap order fail, the second must automatically fail. Should the first be upheld the second must nevertheless fail for the following reasons:

(1) The first wire tap order was for the purpose of obtaining evidence against five (5) individuals and others who are named in said application. The Affidavit in support of the second wire tap order alleges conversations monitored during the course of the electronic surveillance conducted pursuant to the order of Judge Palermi have yielded insufficient evidence to prosecute all the identified individuals in the gambling operation as well as their confederates and the full nature and extend of their conspiracy."

17. It is submitted that <sup>The</sup> ~~with~~ first monitoring would be sufficient to prosecute the identified individuals therein, and that that monitoring does not in any way reveal that they have confederates and therefore, the second monitoring becomes an unjustified fishing expedition.

18. With respect to the defendant, NICHOLAS BOTTA and LAWRENCE MESSINA, these defendants have been subsequently arrested in Nassau County. The matter in Nassau County is awaiting trial, and Motions will be made in Nassau County at the proper time to suppress the evidence obtained against them. Any attempt by the Assistant United States Attorney to introduce in this Court any evidence which will be subject of a motion to suppress at the proper time in the State Court is improper until the State Court rules on the propriety of that search and seizure.

19. These defendants respectfully request by way of discovery a statement from the United States Attorney whether or not he in any way is going to introduce any of the evidence seized in Nassau County, in the trial of the instant indictment. If such evidence is to be introduced, the defendants respectfully requests leave to move, in this Court, to suppress said evidence.

20. The Affidavits in support of the wire tapping orders indicate that the defendants herein were unknown to law enforcement agencies at the time the first wire tapping was authorized. Defendants therefore are entitled to an evidentiary hearing to determine the fairness of the identification procedures used to identify them as the voices on the wire taps.



21. The first wire tap order was signed by Judge P lierni  
 o June 11th, 1976, and was for a period of twenty (20) days. However,  
 the said wire tapping was terminated on June 15th, 1976, that  
 thereafter on June 24th, 1976, some nine (9) days after the last  
 intercepted conversation. <sup>The Tapes were sealed.</sup> While the statute provides for  
 sealing immediately after the termination of the order it is  
 the intent of the statute that this sealing take place "immediately"  
 after the last recorded conversation for example: In the instant  
 case the order was for twenty (20) days or less if the objective  
 was reached. Assume the objective was reached, the first day,  
 that does not mean that the government could fail to seal the  
 tapes for nineteen (19) days. In the instant case, the surveillance  
 ceased on the 15th day of June because the telephone numbers were  
 no longer operating and the government knew this through their  
 informers.

22. Therefore, the intention of the statute is to  
 preserve the sanctity and integrity of the tapes requires that  
 they be brought "immediately" before a District Court Judge in  
 order to effectuate the sealing. This was not done on the instant  
 case. Since it is apparent that the first tapes were not sealed  
 in accordance with the law. What was contained in those tapes  
 could not be a basis for the second wire tap order issued on  
 July 10th, 1976, and remained for a period of twenty (20) days.

23. Once the Court finds that the first wire tap was inadmissible it must of necessity find that the second wire tap order based upon the first was and is also invalid.

Arguendo, that the Court finds that there was sufficient basis for the issuance of the second wire tap order independent of the first wire tap order and we respectfully submit to this Court that a period of eight (8) days between the termination of said order on July 29th, 1976, and the sealing occurred on August 6th, 1976, before the Hon. Charles E. Stewart. Therefore, the government failed to comply with the requirements that the tapes be sealed "immediately". In addition, the statute provides Title 18 Section 2518 Subdivision 8A "such recordings shall be made available to the Judge issuing such order and sealing under his directions.

24. In the instant case the Order was issued by Hon. Robert L. Carter of the District Court and the sealing took place before the Hon. Charles E. Stewart. In direct contradiction of the statute. Copies of sealing order annexed hereto.

25. That no prior application has been made to any Judge or Court for the relief sought herein.



WHEREFORE, Deponent prays that an Order be made and entered granting defense the relief detailed in the annexed Order to Show Cause and for such other and further relief which will be deemed just and proper.

Sworn to and before me this

9th day of December, 1976

RONALD RUBINSTEIN

NOTARY PUBLIC

MARVYN M. KORNBERG

AFFIDAVIT OF MICHAEL D. ABZUG SWORN TO 12/13/76

- - - - - X

SAME TITLE

- - - - - X

STATE OF NEW YORK                    )  
COUNTY OF NEW YORK                    SS:  
SOUTHERN DISTRICT OF NEW YORK )

MICHAEL D. ABZUG, being duly sworn, deposes and says:

1. I am a Special Attorney, United States Department of Justice, assigned to the above-captioned case and, as such, am familiar with the facts therein.

2. This affidavit, and accompanying memorandum of law, are filed in response to various pre-trial motions which the defendants in the above-captioned case have made. The responses will be numbered to correspond with the enumeration assigned to the various claims advanced by the defendants in their respective moving papers.

MOTIONS MADE ON THE DEFENDANTS BEHALF BY MARVIN  
N. KORNBERG, ESQ. and RONALD RUBINSTEIN, ESQ.

3. Contrary to Rule 9(b) of the General Rules for the Southern and Eastern Districts of New York as well as the express directive of this Court on Thursday, December 9th, the defendants have not served the Government with a memorandum of law which supports their claims of error. Accordingly, the following responses are made without the benefit of knowing upon what authorities, if any, the defendants rely to support their contentions.

4. The Government asserts the defendants' claims



AFFIDAVIT OF MICHAEL D. ABZUG SWORN TO 12/13/76

pertaining to the facial sufficiency of the Orders authorizing the electronic surveillance in this case (see paragraphs 3-13 of their affidavit) are without merit. (See Point II of the Government's memorandum of law.)

5. The Government asserts the defendants' demand for a hearing on its method of voice identification (see paragraph 20 of their affidavit) is without foundation in law. (See Point III of the Government's memorandum of law.)

6. The Government does not anticipate using any evidence seized by Nassau County law enforcement agencies against any of the defendants.

7. The Government asserts that the defendants' demand for a hearing on informants' out-of-court identification of their co-conspirators (see paragraphs 13-14 of their affidavit) is without merit. (See Point I of the Government's memorandum of law.)

8. The Government contends that an evidentiary hearing will show that there is a "satisfactory explanation" for the delay in sealing the original tape-recordings made during the court-authorized electronic surveillance in this case and that, therefore, the defendants' motion to suppress the tapes (see paragraphs 21-24 of their affidavit) is without merit. (See Point I of the Government's memorandum of law). In this connection the Government respectfully requests that the hearing occur on or after Friday, December 17, 1976. The case agent, William Bradbury, who would testify

AFFIDAVIT OF MICHAEL D. ABZUG SWORN TO 12/13/76

at the hearing is presently unavailable since he is on special assignment in upstate New York.

MOTIONS MADE ON BEHALF OF THE DEFENDANTS  
BY STEPHEN R. LAIFER, ESQ.

9. The Government asserts that the defendants' motion to dismiss the indictment on the grounds of an unauthorized person in the grand jury (Defendants' Point I) is without merit. (See Point IV of the Government's memorandum of law.)

10. The Government asserts that the defendants' severance motion (Defendants' Point III) is without merit. (See Point V of the Government's memorandum of law.)

11. The Government asserts that the defendants' motion to strike Aliases from the indictment (Defendants' Point III) is without merit. (See Point VI of the Government's memorandum of law.)

12. The Government asserts that the defendants' motion for production and examination of grand jury minutes (Point IV) is without merit (See Point VII of the Government's memorandum of law.)

MOTION MADE ON BEHALF OF THE DEFENDANTS  
STEINBERG AND RICHARD RIZZO

13. The Government asserts that the defendants' demands for a bill of particulars set forth in paragraphs 1, 2, 3, 6, 7, 8, 10 are without merit. (See Point VIII of the



AFFIDAVIT OF MICHAEL D. ABZUG SWORN TO 12/13/76

Government's memorandum of law). The names of all known co-conspirators (apart from those set forth in the indictment) are as follows: Robert Briendel, Armand Pollistrino, Abe Hyman, Abe Finkelsten, Rocky Messina, Frank DeNigris, Charles Stein, Pat Dena, Victor Scavelli, Charles Zolla, Harry Villiano, Abe Steinmetz, Abe Klein, Bob Klein, Irving Ellis, Seymour Cohen, Herbert Weiner, Kalman Wind, Connie Zairhn, Robert Schear, Ronald Hirschorn, Arthur Sonnenschein, Stanley Halbreich, Tina Fuller, Jeffery Dube). The Government also is aware of many other co-conspirators who it has not identified beyond their code names which it will furnish on request. Obviously, the names of co-conspirators which are not known to the Government cannot be furnished. The Government is not required to furnish addresses of co-conspirators. (See Point VIII of the Government's memorandum of law.)

With respect to the defendants' requests set forth in paragraphs 5a-5d, it is the Government's theory that each defendant managed an unlawful gambling operation, and conspired to do so, with the other co-conspirators named in the indictment, the individuals named in the above paragraph, and other individuals who are presently unknown to the Government. The defendants are not entitled to further specificity as to the involvement of each defendant. United States v. Politi, 334 F. Supp. 1318, 1321 (S.D.N.Y.) (1971).

AFFIDAVIT OF MICHAEL D. ABZUG SWORN TO 12/13/76

In response to the defendants' demand set forth in paragraph 11, the Government intends to subpoena voice exemplars from the defendants but does not expect to introduce "voice print" evidence.

With respect to the defendants' demand set forth in paragraph 12, the Government responds that they are charged as principals.

On December 10th, the Government complied with defendant Steinberg's discovery request set forth in paragraph 9.

WHEREFORE, the affiant respectfully requests that the defendants' motions be, in all respects as indicated above, denied.

s/Michael D. Abzug

MICHAEL D. ABZUG

Special Attorney

United States Department of Justice

Sworn to  
December 13th, 1976



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA,

-against-

76 Cr. 1074

RICHARD ESPOSITO, a/k/a "Dixon,"  
RICHARD RIZZO, NICHOLAS BOTTA,  
LAWRENCE MESSINA, JOHN YARMOSH,  
JOHN IANNONE, a/k/a "Kodak," IRVING  
ALBAHARI, a/k/a "Brooklyn," JOSEPH  
FALCO, NICHOLAS RENNA, DAVID  
STEINBERG, and LOUIS MAGGIO,

OPINION

Defendants.

- - - - - X

ROBERT B. FISKE, JR., ESQ.  
United States Attorney for the  
Southern District of New York  
One St. Andrews Plaza  
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MICHAEL D. ABZUG, ESQ.  
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Pro Se

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Attorney for Defendant Falco

FRANK LOPEZ, ESQ.  
31 Smith Street  
Brooklyn, New York

Attorney for Defendant Renna



EDWARD WEINFELD, D. J.

These eleven defendants are charged in a two-count indictment with conducting an illegal gambling business and conspiring to do so, in violation of Title 18, United States Code, Sections 1955 and 371. They have made pretrial motions for severance, to strike alleged surplusage from the indictment, to suppress wiretap evidence, and for a hearing to determine the fairness of pretrial voice identifications.

MOTIONS BY DEFENDANTS  
IANNONE AND ALBAHARI

Defendants Iannone and Albahari move for a severance of their trial on the grounds that the jury will be unable to consider separately the evidence against each of them if they are tried with the other defendants and that the testimony of codefendants, who could not be called as witnesses in a joint trial, is necessary to establish both Iannone's and Albahari's innocence.

The charges contained in the indictment are not so complex or confusing that the jury will not be able to consider the evidence against each defendant separately. The case does not involve a large number of defendants or numerous

counts upon which they will be tried, and it does not present the likelihood of "peripheral" defendants being prejudiced by evidence against codefendants that does not also incriminate

(1) them. Under such circumstances, no reason exists to make

an exception to the well-established rule that joinder of multiple defendants charged with a single conspiracy will

(2) ordinarily be proper.

Iannone and Albahari also move for a severance on the ground that the testimony of their codefendants, Steinberg and Rizzo, is necessary to establish their innocence. There is no indication that Steinberg and Rizzo, if called at a severed trial, would waive their Fifth Amendment rights and testify, nor is there anything to indicate that if they chose to testify their statements would tend to exculpate Iannone

(3) and Albahari. Indeed, the court, with the consent of the

(1) See United States v. Miley, 513 F.2d 1191, 1209 (2d Cir.), cert. denied, 423 U.S. 842 (1975).

(2) See, e.g., United States v. Bernstein, 533 F.2d 775, 789 (2d Cir. 1976); United States v. Miley, 513 F.2d 1191, 1209 (2d Cir.), cert. denied, 423 U.S. 842 (1975); United States v. Bynum, 485 F.2d 490, 495-97 (2d Cir. 1973), vacated on other grounds, 417 U.S. 903 (1974); United States v. Melville, 312 F. Supp. 234, 235 (S.D.N.Y. 1970); cf. United States v. Kahaner, 203 F. Supp. 78, 81-82 (S.D.N.Y. 1962).

(3) See United States v. Finkelstein, 526 F.2d 517, 523-24 (2d Cir. 1975), cert. denied, \_\_\_ U.S. \_\_\_ (1976); United States v. Kahn, 381 F.2d 824, 841 (7th Cir.), cert. denied, 389 U.S.



government, heard defense counsel in camera, and nothing was presented to establish that any testimony of Steinberg and Rizzo would be of an exculpatory nature. Further, the movants have not shown the existence of circumstances entitling them to be tried after their codefendants who, even after a separate trial, may be entitled to assert their Fifth Amendment rights when called upon to testify by Iannone and Albahari.<sup>(4)</sup> Thus, the movants have not established that the testimony of their codefendants could be obtained or that such testimony would be favorable to them; they have not made a showing of sufficient prejudice to warrant a severance.

Defendants Iannone and Albahari also move to strike references to aliases in the indictment. The government has represented, however, that participants in the gambling operations charged in the indictment are repeatedly referred to by these aliases in wiretapped conversations; the aliases will

Footnote 3 cont'd

1015 (1967); *Gorin v. United States*, 313 F.2d 641, 646 (1st Cir.), cert. denied, 374 U.S. 829 (1963); *United States v. Pilnick*, 267 F. Supp. 791, 800 (S.D.N.Y. 1967); cf. *United States v. Marquez*, 319 F. Supp. 1016 (1970), aff'd, 449 F. 2d 89 (2d Cir. 1971).

- (4) See *United States v. Finkelstein*, 526 F.2d 517, 524-25 (2d Cir. 1975), cert. denied, \_\_\_ U.S. \_\_\_ (1976).

thus be relevant to the case and will constitute part of the government's proof at trial. Moreover, the aliases at issue are not inherently prejudicial. Under the circumstances, inclusion of the aliases in the indictment is proper and, indeed, may well serve to obviate jury confusion. (5)

MOTIONS BY DEFENDANTS  
BOTTA AND MESSINA

Defendants Botta and Messina, on behalf of all the defendants, have made an omnibus motion relating to the government's electronic surveillance of telephones which were used by the alleged gambling wirerooms. These wiretaps were conducted under orders issued by Judges Palmieri and Carter of this court on June 11 and July 10, 1975, pursuant to Title 18, United States Code, sections 2516-18.

Defendants attack the applications for wiretapping warrants in several respects. First, they claim that the affidavits in support of the applications did not demonstrate probable cause since they lacked sufficient corroboration of

(5) See United States v. Miller, 381 F.2d 529, 536 (2d Cir. 1967), cert. denied, 392 U.S. 929 (1968); United States v. White, 386 F. Supp. 882, 885 (E.D. Wis. 1974); United States v. Claytor, 52 F.R.D. 360, 361 (S.D.N.Y. 1971); United States v. Addonizio, 313 F. Supp. 486, 491 (D.N.J. 1970), aff'd, 451 F.2d 49 (3d Cir.), cert. denied, 405 U.S. 936 (1972).



the informants' information. However, the affidavits set forth in detail the underlying circumstances of the informants' observations and the factual basis upon which it was determined that each informant was reliable, namely their past furnishing of truthful information. In addition, the informants' statements were corroborated both by information from other informants and by the observations of the agents themselves. The persons whom the informants claimed were operating a wireroom with certain phone numbers at certain times of the day were observed by the agents at those times entering and leaving the building where those phones were located. Moreover when the agents placed calls to those phone numbers a person answering to the name "Ritchie," the name of a person whom the informants said was a clerk in the wireroom answered the phone. Taken as a whole these affidavits are more than sufficient to establish probable cause. (6)

Defendants further contend that the affidavits in

(6) See Harris v. United States, 403 U.S. 573 (1971); Spinelli v. United States, 393 U.S. 410 (1969); Aguilar v. Texas, 378 U.S. 108 (1964); United States v. Tortorello, 342 F. Supp. 1029, 1037 (S.D.N.Y. 1972), aff'd, 480 F.2d 764 (2d Cir.), cert. denied, 414 U.S. 866 (1973); United States v. Becker, 334 F. Supp. 546, 549-50 (S.D.N.Y. 1971), aff'd, 461 F.2d 230 (2d Cir. 1972), vacated on other grounds, 417 U.S. 903 (1974).

support of the applications were insufficient in that they did not set forth

a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous

as required by 18 U.S.C., section 2518(1)(c). However, the affidavits of Special Agent Bradbury stated in each case the reasons why other investigative procedures were likely to be fruitless. First, although the defendants stress that the government had received information from three informants the fact remains that these informants were unwilling to testify for fear of their lives or personal safety and that without their testimony there was not nearly sufficient evidence to obtain convictions. In addition, none of the informants had access to the inner workings of the conspiracy, since two were merely bettors and one had formerly been a low-level participant in gambling operations. Second, most of the gambling transactions in question occurred over the telephone, making physical surveillance unproductive.<sup>(7)</sup> Third, Agent Bradbury stated that in his experience the records of gambling

(7) See United States v. Steinberg, 525 F.2d 1126, 1130 (2d Cir. 1975), cert. denied, 44 U.S.L.W. 3659 (U.S. May 19, 1976) (No. 75-1040).



operations are frequently incomprehensible to the Uninitiated and are often destroyed upon the execution of search warrants. Under the circumstances set forth in the affidavits, the re-  
(8)  
quirements of the statute were met.

Defendants claim further that the conversations intercepted during the first wiretap were sufficient to establish the identity of the persons in charge of the gambling operation and that there was therefore no need for a second wiretap. However the affidavit in support of the application for the second wiretap stated that the first wiretap had not in fact revealed the identity of all persons involved. For example, the identity of "Ritchie," the wireroom clerk, was still unknown. Thus the second application for a wiretap was properly granted.

The defendants make a further attack on the wiretap order. Seizing upon a single phrase in the applications, they claim that since the government sought authorization to intercept only "wire communications emanating from the above-named premises," the orders, which authorized interceptions of

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(8) United States v. Hinton, Dkt. Nos. 75-1402, -1418, -1441, -1445, 76-1024 (2d Cir. Sept. 27, 1976), slip op. at 5694-96; United States v. Steinberg, supra n. 7; United States v. Kerrigan, 514 F.2d 35 (9th Cir.), cert. denied, 423 U.S. 924 (1975).

communications to and from the premises, were overbroad.

However, a common sense reading of the affidavits and applications as a whole <sup>(9)</sup> makes it clear that authorization was <sup>(10)</sup> sought to intercept calls to and from the premises.

Finally, defendants claim that they are "entitled to an evidentiary hearing to determine the fairness of the identification procedures used to identify them as the voices on the wiretaps." Acceptance of this novel argument would require pretrial hearings as to the admissibility of every piece of evidence which the government plans to use at trial. Identification of a voice on a tape by a person familiar with the speaker is not the same as a lineup in which a victim or witness confronts the defendant, a situation which "is peculiarly riddled with innumerable dangers and variable factors which might seriously, even crucially, derogate from a fair trial." <sup>(11)</sup> The vice of a lineup is the possibility of suggestiveness; the defendants have not indicated how the government could have

(9) See *United States v. Ventresca*, 380 U.S. 102, 108-09 (1965); *United States v. Tortorello*, 480 F.2d 764, 780-81 (2d Cir.), cert. denied, 414 U.S. 866 (1973).

(10) See *United States v. Cafero*, 473 F.2d 489, 502 (3d Cir. 1973), cert. denied, 417 U.S. 918 (1974).

(11) *United States v. Wade*, 388 U.S. 218, 228 (1967).



been suggested to the person making the voice identification the identity of a speaker when the defendants concede that the government did not know who those speakers were. At trial the defendants will have ample opportunity to contest by cross-examination the validity of the voice identifications. (12)  
(13)  
There is no need for a hearing now.

Accordingly, the motion by defendants Botta and Messina is denied except with respect to their claims relating to the sealing of the wiretap tapes, as to which an evidentiary hearing is required.

Dated: New York, N.Y.  
December 21, 1976

s/  
United States District Judge

(12) The government has indicated its intention to subpoena voice exemplars from the defense for use at trial.

(13) United States v. Albergo, 539 F.2d 860, 863-64 (2d Cir. 1976), cert. denied, 45 U.S.L.W. 3416 (U.S. Dec. 6, 1976) (No. 76-402); cf. United States v. Puco, 453 F.2d 539, 544 n. 14 (2d Cir. 1971).

United States of America vs.

## United States District Court

DEFENDANT

SOUTHERN DISTRICT OF NEW YORK

NICHOLAS BOTTA

DOCKET NO. ➤

S-76 Cr 1074 (EW)

## JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government  
the defendant appeared in person on this date

| MONTH | DAY | YEAR |
|-------|-----|------|
| MARCH | 14  | 19   |

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

MARVIN KORNBERG, ESQ.

(Name of counsel)

PLEA

☒ GUILTY, and the court being satisfied that  
there is a factual basis for the plea,☐ NOLO CONTENDERE,☐ NOT GUILTY

There being a finding/verdict of

☐ NOT GUILTY: Defendant is discharged☐ GUILTY.FINDING &  
JUDGMENT

Defendant has been convicted as charged of the offense(s) of unlawfully, wilfully and knowingly combining to conduct, finance, manage, supervise, direct and own an illegal gambling business, to wit, a sports betting business being in violation of the laws of the State of New York, involving five or more persons who conducted said illegal gambling business & remaining in substantially continuous operation for a period in excess of thirty days or having a gross revenue of \$2,000 in a single day.  
(T.18,USC, §371.)

as charged in count 1

The court asked whether defendant had anything to say why judgment should not be pronounced. The case is sufficient cause to the court was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that The defendant hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of ONE(1) YEAR and ONE(1) DAY on count 1.

SENTENCE  
OR  
PROBATION  
ORDER

Defendant continued on bail pending appeal, Special Condition being that the record on Appeal and the Appendix on Appeal and Appellant's Points be filed within THIRTY(30) DAYS from this date. And that the United States Attorney file the respondent's brief TEN(10) DAYS thereafter.

Count 2 is dismissed on motion of defendant's counsel with the consent of the Government.

SPECIAL  
CONDITIONS  
OF  
SENTENCE



**ADDITIONAL  
CONDITIONS  
OF  
PROBATION**

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

**COMMITMENT  
RECOMMEN-  
DATION**

The court orders commitment to the custody of the Attorney General and recommends,

**MICROFILM**

MAR 15 1977

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

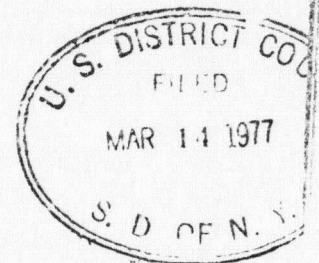
**SIGNED BY**

☒ U.S. District Judge

☐ U.S. Magistrate

*Edward Weinfeld*  
**EDWARD WEINFELD**

Date MARCH 14, 1977



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United States of America vs.

# United States District Court for SOUTHERN DISTRICT OF NEW YORK

DEFENDANT

LAWRENCE MESSINA

DOCKET NO. ➤

S-76 Cr 1074 (EW)

## JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government  
the defendant appeared in person on this date ➤

| MONTH | DAY | YEAR |
|-------|-----|------|
| MARCH | 14  | 1977 |

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

RONALD RUBENSTEIN, ESQ.

(Name of counsel)

PLEA

☒ GUILTY, and the court being satisfied that there is a factual basis for the plea,☐ NOLO CONTENDERE,☐ NOT GUILTY

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged☐ GUILTY.FINDING &  
JUDGMENT

Defendant has been convicted as charged of the offense(s) of unlawfully, wilfully and knowingly, combining to conduct, finance, manage, supervise, direct and own an illegal gambling business, to wit, a sports betting business being in violation of the laws of the State of New York, involving five or more persons who conducted said illegal gambling business & remaining in substantially continuous operation for a period in excess of thirty days or having a gross revenue of \$2,000 in a single day.  
(T.18, USC, §371.)

as charged in count 1

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of ONE(1) YEAR and ONE(1) DAY on count 1.

SENTENCE  
OR  
PROBATION  
ORDER

Defendant continued on bail pending appeal, Special condition being that the record on Appeal and the Appendix on Appeal and Appellant's Points be filed within THIRTY (30) DAYS from this date. And that the United States Attorney file the respondent's brief TEN(10) DAYS thereafter.

Count 2 is dismissed on motion of defendant's counsel with the consent of the Government.

SPECIAL  
CONDITIONS  
OF  
PROBATION



**ADDITIONAL  
CONDITIONS  
OF  
PROBATION**

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

**COMMITMENT  
RECOMMEN-  
DATION**

The court orders commitment to the custody of the Attorney General and recommends,

**MICROFILM**

MAR 16 1977

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

**SIGNED BY**

☒ U.S. District Judge

☐ U.S. Magistrate

*Edward Weinfeld*  
**EDWARD WEINFELD**

Date

MARCH 14, 1977

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KORNBERG

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK  
COUNTY OF RICHMOND ss.:

EDWARD BAILEY being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at 286 Richmond Avenue, Staten Island, N.Y. 10302. That on the 12 day of May, 1977 at No. 1 St. Andrews PL., NYC

deponent served the within *Appendix*  
upon U.S. Atty., So. Dist. of NY

the Appellee herein, by delivering 3 true copy(ies) thereof to him personally. Deponent knew the person so served to be the person mentioned and described in said papers as the Appellee therein.

Sworn to before me this  
12 day of May 1977

*William Bailey*  
WILLIAM BAILEY  
Notary Public, State of New York  
No. 43-0132945  
Qualified in Richmond County  
Commission Expires March 30, 1978

*Edward Bailey*  
Edward Bailey